THE LAW

RELATING TO

INDIA,

AND

THE EAST-INDIA COMPANY.

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WITH

NOTES AND AN APPENDIX.

SECOND EDITION.

LONDON:
Wm. H. ALLEN & CO., LEADENHALL STREET.

1841.

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PREFACE TO THE SECOND EDITION.

The Second Edition of this work has been undertaken under circumstances to which it will be proper briefly to refer.

At the General Court of Proprietors of East-India Stock, held on the 17th of June last, the work was noticed in terms of warm commendation, and several Members of the Court having expressed a wish that Copies should be supplied to the Proprietors, the Chairman intimated that measures would be taken for the purpose. The Court of Directors, with the concurrence of the President of the Board of Commissioners for the Affairs of India, having thereupon been pleased to extend their approbation to the design, the present revised and enlarged edition of the work was forthwith commenced. The greatest care has been taken to render it not altogether unworthy of the distinguished favour which it has obtained. Every part of the work has been carefully examined with a view to the total exclusion of error; many new notes have been introduced; the Acts of the British Parliament are brought down to the close of the last Session, and those of the Government of India to the latest period to which they have been received. Many other additions have been made, tending greatly to increase the value of the work. Among the more important may be mentioned the introduction, at the suggestion of an influential Proprietor, of the By-Laws of the Company. It will also be observed, that the Statutes affecting the Queen's Courts in India, and the

Ecclesiastical Establishment in that country, are now illustrated by the insertion of the necessary portions of various Letters Patent from the Crown, under which their respective authorities are exercised.

The practical utility of a work like the present must greatly depend upon the facilities of reference which it offers. Under this impression, a new Index has been prepared for the present Edition, which, whether in regard to accuracy, copiousness, or convenient arrangement, will, it is confidently hoped, be found entirely satisfactory to all who may have occasion to consult the work.

London, 9*th December*, 1840.

PREFACE TO THE FIRST EDITION.

THE present work was undertaken from a conviction, the result of experience, of the necessity of such a publication.

The laws affecting India and the East-India Company are dispersed through more than a hundred volumes of the Statutes: they are to be found, in some cases, in entire Acts of Parliament of great length, specially devoted to the subjects; in others, in scattered provisions, surrounded by enactments applying to objects and interests totally unconnected with India. A very large portion of what once was law has ceased to be so, either from having been directly repealed, or being substantially at variance with subsequent Acts of the Legislature. Of that which still remains in force, much has been limited, extended, and in various respects, modified by later provisions. No one therefore, referring to any one enactment relating to the point upon which he sought information, could rely upon that which he found until he had collated the provision before him with all others existing on the subject, and from a comparison of the whole deduced the present state of the law.

Many years have elapsed since any collection of the laws relating to the East-India Company appeared, and in the period that has succeeded since the publication of the latest work on the subject, changes greater and more important than any which the Company had previously experienced, have taken place. On this account, little assistance could be derived from preceding works in preparing the present. A careful search throughout the whole of the Statutes was indispensable, as well as a careful comparison of such parts as bore on the subject. The time, labour, and thought, demanded by the task, were great, and the duties imposed by the undertaking were not unfrequently of considerable delicacy. Its execution, however, will, it is

hoped, afford what was previously wanting—a guide to the state of the Law relating to India and the East-India Company. The necessity of seeking through the Statutes at large for the various provisions on any subject will be removed, and the inquirer will here find the entire law presented to his view. A reference to the Index will afford a direction to every Act and Section relating to any given point, while the illustrative notes which are attached to the more important enactments, will answer the purpose of a Digest of the Law upon the subjects to which they relate. A few of the more recent Acts of the Government of India, to which the opportunity of reference might be desirable, have been placed in an Appendix.

After adverting to the magnitude of the labour necessary to the completion of this Volume, it would be unjust to refrain from noticing the means by which that labour has been lightened and its ends facilitated. Access has been afforded to a series of valuable legal opinions given by Mr. Lawford, Solicitor to the East-India Company, and by their present and former standing Counsel; as well as by other distinguished members of the profession, some of whom now occupy the highest judicial stations in her Majesty's Courts at Westminster.

The assistance afforded by Mr. Melvill, the Secretary of the East-India Company, calls for distinct and grateful acknowledgment. The interest which he has taken in the progress of the work, and the valuable suggestions made by him for its improvement, have greatly added to its comprehensiveness and utility.

Under these circumstances the work is submitted, in full confidence that, upon all material points, entire reliance may be placed on its accuracy and completeness.

London, 9th March, 1840.

THE LAW

RELATING TO

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EAST-INDIA COMPANY.

CHARTERS FROM THE CROWN.

The first Charter for erecting an East-India Company was dated the 31st December 1600; a second Charter was granted to the original Company under date the 31st May 1609; a third, 3d April 1661; a fourth, 5th October 1677; a fifth, 9th August 1683: a sixth, 12th April 1686; a seventh, 7th October 1693; and an eighth, 13th April 1698. In addition to these Charters, the Company obtained a grant, dated 27th March 1669, of the Island of Bombay, and another, 16th December 1674, of the Island of St. Helena.

The manner in which the corporate rights of the old Company were extinguished will be seen hereafter.

King William the Third incorporated a second East-India Company by Charter, dated 5th September 1698. This Charter, after reciting an Act lately made and passed in Parliament, entitled "An Act for "raising a Sum not exceeding Two Millions upon a Fund for payment "of Annuities, after the rate of Eight Pounds per centum per Annum, "and for settling a Trade to the East-Indies;" and reciting also the appointment of a Commission for receiving the subscriptions, the transmission into the Exchequer of the duplicates of the subscriptions for two millions, (see 9 & 10 Wm. 3, cap. 44, sec. 62, and the note on

3 & 4 Wm. 4, cap. 85, s. 11), the incorporation of the "General Society," on the third of the instant month, and the desireof the Subscribers to be united in a Joint Stock, proceeds to endow the Company with various privileges, and to make various provisions for its regulation. From the following selection of parts of this Charter every thing of temporary application, or which has been annulled by later authority, is excluded, except so far as it was inseparable from matter necessary to be retained, or requisite for its explanation; and in such cases the additional matter is distinguished by being printed in *italics*.

The Subscribers incorporated.

Now know ye, That in pursuance of the powers and clauses for this purpose contained in the said Act of Parliament, and of our gracious promise and declaration made in and by our said commission or letters patent, whereby the subscriptions and contributions on the said Act have been promoted and encouraged: and by virtue of our prerogative royal, and likewise of our especial grace, certain knowledge and mere motion, we have given, granted, made, ordained, constituted, declared, appointed, and established, and by these presents for us, our heirs and successors, do give, grant, make, ordain, constitute, declare, appoint, and establish, That the said Subscribers herein last before particularly named, and every of them, and all and every person and persons, bodies politic and corporate, who, as executors, administrators, successors, or assigns, or by any other lawful title derived, or to be derived from, by, or under the same Subscribers, shall have and be entitled to any part, share, or interest of, or in the said yearly fund, by the said Act settled as aforesaid, or of, or in the proportionable annuities or yearly payments, issuing out of the said yearly fund, so long as they respectively shall have any such part, share, or interest therein, to be one body politic and corporate, *by the name of the English Company trading to the East-Indies, and them by the name of the English Company trading to the East-Indies*, one body politic and corporate, in deed and in name, really and fully for ever, for us, our heirs and successors: we do make, declare, and establish by these presents, and *by the same name* they and their successors shall have perpetual succession, and shall and may have and use a common seal, for the use of business and affairs of the said Company and their successors, with power to break, alter, and make new their seal from time to time, as to them shall seem expedient; and *by the same name* they and their successors from time to time, and at all times for ever hereafter, shall be able and shall be a body politic and corporate, capable in law to have, take, purchase, receive, hold, keep, possess, enjoy and retain to and to the use of them and their successors, any manors, messuages, lands, rents, tenements, liberties, privileges, franchises, hereditaments, and possessions whatsoever, and of what kind, nature, or quality soever; and moreover to purchase and acquire all goods and chattels whatsoever, wherein they are not restrained by the said Act: and also to sell, grant, demise, alien or dispose of the said manors, messuages, lands, rents, tenements, privileges, franchises, hereditaments, possessions, goods and chattels, or any of them, and *by the same name* they and their successors shall and may sue and implead, and be sued and impleaded, answer and defend, and be answered and defended in Courts of Record, or any other place whatsoever, and before whatsoever judges, justices, officers, and ministers, of us, our heirs and successors, and in all and singular pleas, actions, suits, causes, and demands whatsoever, of what kind, nature, or sort soever, and in as large, ample, and beneficial manner and form, as any other body politic and corporate, or any other liege people of England, or other our dominions, being persons able and capable in

To have perpetual succession and a common seal.

And may purchase lands, &c., goods, and chattels.

Power to sue and be sued.

law, may or can have, take, purchase, receive, hold, keep, possess, enjoy, sell, grant, demise, alien, dispose, sue, implead, defend, or answer, or be sued, impleaded, defended, or answered, in any manner or wise; and shall and may do and execute all and singular other matters and things *by the name aforesaid*, that to them shall or may appertain to do by virtue of the said Act or otherwise, *subject nevertheless to the proviso and condition of redemption in the said Act mentioned*, (1) *and to all and every other restrictions, limitations, clauses, provisos, conditions, in the said Act contained*, and to such other restrictions, covenants, agreements, matters and things, as are hereafter in these presents expressed.

Subjects of redemption of all restrictions in the Act 9 & 10 Will. 3. cap. 44, and this Charter.

(1) [See note on sec. 74, of 9 & 10 Wm. 3. cap. 44.]

The trade of the Company having been suspended, by Act 3 & 4 Wm. IV. cap. 85, the limits of the Charter, in that respect, are for the present unimportant; but reference being frequently made to them for other purposes, it has been thought expedient to insert that part of the Charter in which they are defined.

And our will and pleasure, is and we hereby for us, our heirs and successors, grant, direct, and appoint that *the said English Company trading to the East-Indies, and their successors, shall and may for ever hereafter by themselves, or by such factors, agents or servants, as they severally shall think fit to intrust, freely traffic and use the trade of merchandize in such places, and by such ways and passages as are already frequented, found out or discovered, or which shall be hereafter found out or discovered, as they severally shall esteem and take to be the fittest and best for them, unto and from the East-Indies*, into the countries and parts of Asia and Africa, and unto and from the islands, ports, havens, cities, creeks, towns, and places of Asia, Africa, and America, or any of them beyond the Cape of Bona Esperanza to the Straits of Magellan, *where any trade or traffic of merchandize is or may be used or had*, and to and from every of them.

May for ever hereafter freely trade to and from the East-Indies.

After various provisions, temporary and commercial, the following occurs:

And that the Directors of the said *English Company trading to the East-Indies*, and their successors for the time being, do and shall give in and deliver unto us, our heirs and successors, in our or their Privy Council, yearly and every year, in the month of October, a true account or inventory, fairly written, and signed by two or more directors of the said Company for the time being, containing the nature, quantity, quality, value, and prime cost of all such goods of the growth, product, or manufacture of this our Kingdom of England as in the last preceding year have been exported by the said Company; together with the place, town, or port, from whence the said goods were exported to the East-Indies; and that oath be made of the truth of such account or inventory by the proper officers or servants of the said *English Company trading to the East-Indies*, who shall keep their books for the entry of goods outwards to the best of their knowledge, and that none of the said goods or commodities so exported shall be again landed in our Kingdom of England, dominion of Wales, or town of Berwick upon Tweed, or be carried to any country or place but unto the East-Indies, or some place within the limits aforementioned.

An account to be delivered yearly in the month of October to the Privy Council on oath.

The remainder of the clause relates to the supply to the Crown of a certain quantity of saltpetre by the Company; and the succeeding clause to the payment of Customs.

The following clause is the next in order.

To maintain a minister and schoolmaster, at St. Helena, and ministers at their factories in India,

And we do hereby further will and appoint, That the said Company, hereby established, and their successors, shall constantly maintain *a minister and schoolmaster, in the Island of St. Helena* (1), *when the said Island shall come into the hands or possession of the same Company*; and also one minister in every garrison and superior factory, which the same Company or their successors shall have in the said East-Indies, or other the parts within the limits aforesaid; and shall also in such garrison and factories, respectively provide, or set apart, a decent and convenient place for Divine Service only; *and shall also take a chaplain on board every ship* (2) *which shall be sent by the same Company to the said East-Indies, or other the parts within the limits aforesaid, which shall be of the burthen of five hundred tons, or upwards, for such voyage, the salary of which chaplain shall commence from the time that such ship shall depart from England:* and moreover, that no such minister shall be sent by the same Company to the said East-Indies, or other the parts within the limits aforesaid, until he shall have been first approved of by the Archbishop of Canterbury, or the Bishop of London, for the time being; all which said ministers so to be sent, shall be entertained from time to time with all due respect.

and a chaplain on every ship of 500 tons:

by whom ministers to be approved.

(1) [St. Helena was transferred to the crown by Act 3 & 4 Wm. IV. cap. 85.]

(2) [In consequence of the suspension of the Company's trade, they have no mercantile shipping.]

They are obliged to learn Portuguese and the native language.

And we do further will and appoint, that all such ministers as shall be sent to reside in India, as aforesaid, shall be obliged to learn, within one year after their arrival, the Portuguese language, and shall apply themselves to learn the native language of the country where they shall reside, the better to enable them to instruct the Gentoos, that shall be the servants or slaves of the same Company, or of their agents, in the Protestant religion; *and that in case of the death of any of the said ministers, residing in the East-Indies, or other the parts within the limits aforesaid, the place of such minister, so dying, shall be supplied by one of the chaplains out of the next ships, that shall arrive at or near the place where such minister shall happen to die.* (1)

(1) [*Vide* the last note.]

Schoolmasters to be provided.

And we do hereby further will and direct, that the said Company, and their successors, shall, from time to time, provide schoolmasters, in all the said garrisons and superior factories where they shall be found necessary.

The twenty-four Directors, or any thirteen, to be a Court.

And for the better ordering, managing, and governing the affairs of the same Company, and for the making, and establishing, a continual succession of persons to be the Directors of the same, we do, by these presents, for us, our heirs and successors, grant unto the said body politic, *so called The English Company trading to the East-Indies*, and to their successors, and do hereby ordain and appoint that there shall be, from time to time, for ever, (of the members of the said Company) twenty-four Directors, of and in the same Company, which Directors, or any thirteen or more of them, shall be and be called a Court of the Directors, for the ordering, managing, and directing the affairs of the same Company and Corporation, and shall have such powers and privileges as are herein-after mentioned.

After naming the first Directors, and declaring that they shall continue in office until the 15th March 1700, and until others shall be chosen, the Charter proceeds,—

And we do further, by these presents, for us, our heirs and successors, give and grant unto the said *English Company trading to the East-Indies*, and their successors, and we do hereby ordain, will, and appoint, that it shall and may be lawful, to and for all and every the members of the same Company, hereby established, from time to time, to assemble and meet together at any convenient place or places, for the choice of their Directors, and for making of by-laws, ordinances, rules, orders, or directions, for the government of the said Company, or for any other affairs or business concerning the same; and that all the members of the same Company, or so many of them as shall be so assembled, shall be and be called a General Court of the said Company or Corporation, which Court shall assemble and meet at such times and in such manner as hereafter is directed; and that all succeeding Directors of the same Company shall, from and after the said twenty-fifth day of March one thousand seven hundred, be *yearly and* successively chosen, and for ever, out of the members of the same Company, *on some day or days, time or times, between the twenty-fifth day of March and the twenty-fifth day of April in each year*, (1) by the majority of votes of all and every the members of the same Company, *having then each of them five hundred pounds, or more, share or interest in the stock of the same Company*, (1) *and who shall be personally present at such elections*, (1) *each of them to have and give one vote, and no more* (1); and that every particular Corporation or body politic, that shall have *five hundred pounds*, or more, share or interest, of or in the stock for the said Company in respect thereof, at every such election, and at all General Courts of the said Company, *shall have one vote for the whole share or interest of such particular Corporation, or body politic, and no more* (1); which votes, for such particular Corporations or bodies politic, shall and may be given by such person or persons as shall be deputed thereunto, under the common seal, or common seals, of such particular Corporation, or bodies politic, respectively; and the said succeeding Directors so chosen, shall severally and respectively continue in their respective offices or trusts, to which they shall be severally elected, *for one year* (1), and till others shall be duly chosen and sworn into their places respectively.

Members may meet to choose Directors, and make by-laws.

Members so assembled, called a General Court.

All succeeding Directors to be chosen between 25th of Marc and 25th of April.

None to give more than one vote.

A Corporation may send a vote by a deputy.

(1) [The time of election has since been restricted to a particular day (17 Geo. 3, cap. 8. sec. 1), the time of holding office extended (13 Geo. 3, cap. 63, sec. 1), the qualification of voters raised (13 Geo. 3, cap. 63, sec. 3), the privilege of voting by letter of attorney granted in certain cases (3 and 4 Will. 4, cap. 85, sec. 27), and the number of votes enjoyed by proprietors regulated by their amount of stock (13 Geo. 3, cap. 63, sec. 4).

Provided nevertheless, that in case of death, avoidance, or removal of any of the Directors of the said Company for the time being, the survivors of them, or the majority of those remaining in their office, shall and may at any time assemble together the Members of the said Company, in order to elect other persons, by Members qualified to vote, *in manner aforesaid*, in the room of those then dead, removed, or avoided. (1)

The surviving Directors may assemble the Members to elect other Directors in room of any deceased, removed, or avoided.

(1) [See the last note.]

Forms of oath and affirmation follow, to be taken by members of the Company before voting, but they are framed with reference to the then existing qualification of £500 stock. The 13 Geo. 3, cap. 63, sec. 6, prescribes a new form adapted to the enhanced qualification. The Charter adds :—

Deputy of a Corporation to make the like oath to the best of their knowledge.

Provided also, that such person or persons as shall be deputed as aforesaid, to vote for any particular Corporation, or body politic, making the like oath or declaration *(mutatis mutandis)*, to the best of his or their knowledge and belief, for or on the behalf of such particular Corporation or body politic for whom he or they are to give such voice or voices as aforesaid, shall be capable of voting at any of such general courts as aforesaid.

Two Directors empowered to administer the oath.

No person to be a Director but who hath £2,000 stock in his own right,

nor to continue longer than he keeps the same.

And we do by these presents, for us, our heirs and successors, give full power and authority, to any two or more of the Directors of the same Company, for the time being, to give and administer the said oaths and declarations to the said members and deputies, and do hereby order and direct them to administer the same accordingly : Provided also, and we do hereby, for us, our heirs, and successors, constitute, ordain, and appoint, that no person shall be capable of being chosen a Director of the said Company, who shall not, at the time of such choice, be a natural-born subject of England, or naturalized, and shall not also then have in his own name, or in his own right, and for his own use, two thousand pounds or more in the said stock ; and that no Director or Directors shall continue in his or their respective offices, longer than the continuance of such their respective interests and stocks, in their own names and rights, and to their own uses respectively; but upon parting with, or reducing his or their respective shares or interest in the said stock, to any lesser sum or sums then as aforesaid, the said respective offices or places of such Director or Directors, so parting with, reducing, or diminishing their said shares or interest, as aforesaid, shall cease, determine, and become vacant, and others shall be chosen in their room, by a General Court of the same Company.

Some regulations respecting the oath to be taken by Directors, which follow in the Charter, are here omitted, having been superseded by the 33d Geo. III. cap. 52, sec. 160.

Directors to give an oath to their agents and servants.

And furthermore our will and pleasure is, and we do hereby for us, our heirs and successors, ordain and appoint, that the said Court of Directors shall have power and authority to administer an oath to all the inferior agents or servants that shall be employed in the service of the same Company, for the faithful and due execution of the several places and trusts in them reposed, in the words or to the effect following (that is to say) :

" I, A. B. being elected into the office or place of Treasurer to the *English Company* " *trading to the East-Indies*, do swear, that I will be true and faithful to the said Company, " and will faithfully and truly execute and discharge the said office or place of Treasurer to " the utmost of my skill and power. So help me God."

A Director not qualified in ten days, the place to be void.

And the like oath to the other agents and servants *(mutatis mutandis)*: and in case any person hereby nominated, or hereafter to be elected a Director as aforesaid, shall for the space of ten days after such nomination or election neglect or refuse to take the respective oath or declaration hereby appointed to be taken as aforesaid, or shall refuse or neglect to take upon him his or their offices, that then, and in every such case, the office and place of every such person so neglecting or refusing shall become vacant, and others shall be chosen in their places by a General Court of the said Company.

And we do hereby will and appoint, that the said Directors, or the major part of them for the time being, shall from time to time, and they are hereby required so to do, to summon and appoint four General Courts at least in every year, whereof one to be in the month of December, another in the month of March, another in the month of June, and another in the month of September.

Four General Courts to be held in a year.

And we do further will and appoint, that if at any time or times there should be a failure of holding a General Court in any of the said months, by default of the Directors, or the major part of them, that then and so often, and in every such case, three or more of the Directors of the said Company shall and may summon and call a General Court, which shall meet and be holden in the month next coming after the month in which the same should have been holden upon the summons of the majority of the Directors aforesaid.

In failure thereof, three Directors may summon.

And moreover, we do by these presents, will, direct, and appoint, that the said Directors, or the major part of them for the time being, shall from time to time, upon demand to be made by any nine or more of the said members, having each of them five hundred pounds, or more interest or share of the said stock, within ten days after such demand, summon and call such General Courts to be held of the members of the same Company *qualified for electors as aforesaid;* (1) and in default of the said Directors, or the major part of them, to summon and call such Court, it shall and may be lawful to and for the said nine or more members, having each five hundred pounds stock as aforesaid, upon ten days' notice in writing, to be fixed upon the Royal Exchange in London, to summon and hold a General Court, *and there to do and dispatch any business relating to the government or affairs of the said Company,* and to hear and debate any complaint that shall be made against any Director or Directors for mismanagement in his or their office or offices; and if such Director or Directors shall not clear him or themselves of such complaint to the satisfaction of the major part of the members of the same Company in the said General Court assembled, that then within ten days another General Court shall be called, and held as aforesaid, of the members of the same Company, *qualified to vote as aforesaid,* (1) finally to determine the same *by the majority of their votes as aforesaid* (1) who may remove or displace all or any of the said Directors for such misdemeanors or abuse of their offices, and elect and choose others in his or their room *in manner before prescribed;* (1) and in every such case where any Director or Directors shall happen to die or be removed, or his office shall otherwise become void before the expiration of the term for which he shall have been elected, the major part of the members of the same Company to be assembled in a General Court, and being qualified *as aforesaid,*(1) shall and may elect and choose any other member or members of the said Company, qualified as aforesaid, into the office of such Director or Directors that shall so die or be removed, or whose office shall become void; which person so to be chosen shall continue in the said office until the next usual time hereby appointed for election, and until others shall be duly chosen and sworn, unless he shall be removed as aforesaid.

A General Court to be summoned on the demand of nine members, within ten days:

and in default, the said nine members may summon,

and may displace any Director for mismanagement.

(1) [By 13 Geo. 3, cap. 63, sec. 3, no proprietor can vote at any General Court unless possessed of £1,000 stock. See also a former note respecting elections, page 5.]

And, for the better ordering and managing of the affairs of the same Company, we do by these presents, for us, our heirs and successors, grant, and we do by these presents will, authorize, and appoint, that the said Directors for the time being, or any thirteen or more of them, shall and may from time to time, and at all convenient times, assemble and meet together at any convenient place or places for the direction and management of the affairs and business of

The Directors, or any thirteen, may hold Courts, &c. and shall act according to the by-laws, and where they are wanting, shall do all the business of the Company,

the same Company, and then and there to hold Courts of the Directors, for the purpose aforesaid, and summon General Courts to meet as often as they shall see cause; and that the said Directors, or the major part of them so assembled, shall and may act according to such by-laws, constitutions, orders, rules, or directions, as shall from time to time be made and given unto them by the General Court of the said Company; and in all cases where such by-laws, constitutions, orders, rules, or directions, by or from the General Court shall be wanting, the said Directors, or the major part of them so assembled, shall and may direct and manage all the affairs and business of the same Company, *in the direction of all the voyages of or for the same Company, and the provision of the shipping and merchandizes thereunto belonging, as also the sale of the merchandizes, goods, and other things returned in all or any the voyages or ships of or for the same Company,* and in the transacting and handling of all other matters and things touching and concerning the same Company; and shall and may choose and appoint the agents or servants which shall from time to time be necessary to be employed therein, and to allow and pay reasonable salaries and allowances to the said agents and servants respectively; and them, or any of them, from time to time remove or displace as they shall see cause; and generally to act and do in all matters and things whatsoever, which by the said recited Act of Parliament shall or may be done, and in all matters and things whatsoever which they shall judge necessary for the well ordering and managing of the same Company and the affairs thereof; and to do, enjoy, perform, and execute all the powers, authorities, privileges, acts, and things in relation to the said Company, as fully, to all intents and purposes, as if the same were done by the whole Company, or by a General Court of the same; subject nevertheless to such restrictions, limitations, rules, or appointments, as are contained in the sad recited Act of Parliament, or in these presents in that behalf.

as they shall judge necessary.

The General Court to make by-laws, for calling in money, making dividends,

And we do hereby for us, our heirs and successors, grant to the said English Company trading to the East-Indies, that all and every the said members qualified for electors as aforesaid shall have full power, and they are hereby authorized in the General Courts or Assemblies aforesaid, by majority of their votes *as aforesaid,* to make and constitute reasonable by-laws, constitutions, orders, and ordinances from time to time, *as well for raising, and calling in and payment of monies for an additional joint stock, for the better carrying on and managing the said trade, and for the applying and proportioning the profit, advantage, and produce arising by the joint stock and trade, as for the good government of the said trade to the East-Indies, and other the parts aforesaid, and of the factors, agents, officers, and others concerned in the same;* and to inflict reasonable penalties and punishments, by imprisonments, mulcts, fines, or amerciaments for any breach or breaches thereof; and to levy such fines, mulcts, or amerciaments to the use of the said Company and their successors, so that such by-laws be not repugnant to the laws of this our kingdom, and be confirmed and approved according to the Statutes in such cases made and provided; all which mulcts, fines, and amerciaments shall and may be recovered and received, to the only use and behoof of the said Company and their successors, without any account, or other matter or thing, to be therefore rendered to us, our heirs or successors. (1)

and government of the Company.

(1) [The existing by-laws will be found in a subsequent part of this volume.]

A provision which succeeds fixing the time for holding the first General Court under the Charter is here omitted.

Books of account of the principal and additional stock to be kept

Provided always, and for the ascertaining and limiting how and in what manner, and under what rules, as well the principal stock or yearly fund as also any additional stock which the

said Company shall acquire, or which any member or members thereof shall or may advance or pay into the said Company, *for the managing or carrying on the said trade*, or the shares or interests of the several members of and in the principal and additional stock, shall and may be assignable and assigned, transferrable and transferred, by such person and persons, corporation or corporations, as shall from time to time have any interest or share in the same; we do hereby direct and appoint, that the same Company and their successors shall cause an accountant to keep a book or books in the public office or place of meeting of the same Company, to be provided for that purpose, and therein fairly to enter or cause to be entered from time to time the amount as well of the principal joint stock of the same Company, as of such additional stock (if any be) as aforesaid; the same to be by him attested upon oath, if required, which said book or books shall from time to time lie open to be viewed.

by an accountant, and to be by him attested on oath if required.

And we do hereby for us, our heirs and successors, pursuant and according to the power given unto us by the said Act of Parliament, order, limit, direct, and appoint, that the method and manner of making all assignments and transfers, as well of the said principal stock and fund as of the additional stock of the same Company, or any part thereof, shall be by an entry in the said book or books, signed by the party so assigning or transferring, in the words or to the effect following, *viz.*—

Method of making transfers.

"Memorandum, That I, *A. B.*, this day of in the year of our Lord
" do assign and transfer of my
" interest or share (or being my share or interest) in the principal stock, and
" in the additional stock and fund of *The English Company trading to the East-Indies*, and
" all benefit arising thereby unto his executors, administrators, and assigns.
" Witness my hand

By the person present.

Or in case the person assigning be not personally present, then by an entry in the said book or books signed by some person thereunto lawfully authorized, by letter of attorney or writing, duly sealed and attested by two or more witnesses in the words or to the effect following, *viz.*

By letter of attorney,

"Memorandum, That I, *A. B.*, this day of in the year of our Lord
" by virtue of a letter of attorney from dated the
" day of in the said year do in the name and on the behalf of
" assign and transfer of the interest or share (or
" being the share or interest) of the said in the principal stock and fund,
" and in the additional stock of *The English Company trading to the East-*
" *Indies*, and all benefit arising thereby unto his executors, administrators,
" and assigns.
" Witness my hand

And that the entry signed as aforesaid, and no other way or method, shall be the manner and method used in the passing, assigning, or transferring the interest or share in the said stock and fund, and such transfer or assignment shall be good and available, and convey the whole estate and interest of the party transferring or ordering the same to be transferred.

and by no other way.

Provided always, that any person having any share or interest in the said stock and fund, may dispose or devise the same by his last will and testament, attested by three[1] or more credible witnesses; but, however, that such devisee shall not transfer the same, or be entitled to receive any dividend, until an entry of memorandum of so much of the said will as relates

Stock may be devised by will, but the devisee not to receive or transfer till a memorandum be entered, &c.

to the said stock and fund to be made in the said book or books, to be kept by the said Company for that purpose.

(1) [By 7 Wm. 4 and 1 Vict., cap. 26, all property may be passed by will attested by two or more witnesses.]

In case of equality of votes the matter to be decided by lot.

And we do hereby will and appoint, that in all cases where there shall be an equality or equal number of votes in any general court, or in any Court of Directors, to be holden as aforesaid, the matter shall be determined by lots, which the treasurer for the said Company shall cause to be prepared and drawn for that purpose. (1)

(1) [Restricted by 53 Geo. 3, cap. 155, sec. 77, to cases of elections to office or place where there shall be more than one candidate.]

Business may be done by sub-committees.

Provided nevertheless, that all matters and things which the said Directors, or the major part of them, shall in manner as aforesaid, order and direct to be done by sub-committees, or other persons appointed under them, shall and may, by virtue of such orders, be done by the said sub-committees, or other persons so appointed.

Some commercial regulations follow, which are not here inserted.

The Company to have the government of all their forts, &c. and to appoint governors and other officers:

And we do, of our more especial grace, certain knowledge and mere motion, for us, our heirs and successors, give and grant unto the said *English Company trading to the East-Indies*, that the said Company, for the time being, shall and may have the ordering, rule, and government of all such forts, factories, and plantations, as shall be, at any time hereafter, settled by or under the said *English Company*, within the East-Indies, and parts before-mentioned, and shall and may name and appoint governors, and officers, from time to time, in and for the said forts, factories, and plantations, and them to remove and displace at their will and pleasure; and that such governors, and officers, shall and may, according to the directions of the said Company, raise, train, and muster such military forces as shall or may be necessary for the defence of the said forts, places, and plantations respectively; the sovereign right, power, and dominion, over all the said forts, places, and plantations, to us, our heirs and successors, being always reserved. (1)

and may raise forces to defend the said forts, &c.

The sovereign right reserved.

(1) [Regulated by various Acts of Parliament, especially 33 Geo. 3, cap. 52, sec. 9: 53 Geo. 3, cap. 155, sec. 80, 81; 3 & 4 Wm. 4, cap. 85, sec. 25, 42, 58.]

Some directions, no longer in force, for the establishment of Courts of Judicature are omitted.

The Company to enjoy all privileges in London that any Company of Merchants did or do, or may enjoy.

And further, we do, for us, our heirs and successors, give and grant to the said *English Company trading to the East-Indies*, hereby established, that they shall enjoy to all intents and purposes, all privileges in the City of London as fully as any company of merchants established by Letters Patents granted by us, or any of our predecessors, at present do or may enjoy or formerly did or might enjoy the same.

All admirals, &c. to be assisting.

And further, we do hereby, for us, our heirs and successors, charge and command, all and singular admirals, vice-admirals, generals, commanders, commissioners of our customs, mayors, sheriffs, justices of the peace, comptrollers, waiters, searchers, and other officers, and

ministers, of us, our heirs and successors whatsoever, to be, from time to time, in all things, aiding, helping, and assisting, unto the same Company, and their successors, or any employed by them, upon request made, as they tender our displeasure.

And we do, for us, our heirs and successors, grant and declare, that these our Letters Patents, or the enrolment thereof, shall be in and by all things valid and effectual in the law according to the true intent and meaning of the same, and shall be taken, construed, and adjudged in the most favourable and beneficial sense, for the best advantage of the said Company, as well in our Courts of Record as elsewhere, notwithstanding any non-recital, mis-recital, defect, uncertainty, or imperfection, in these our Letters Patents.

This Charter to be construed in the most beneficial sense for the Company.

The Charter is ordered to be passed without fine or fee, and concludes thus:

And we do hereby, for us, our heirs and successors, covenant, grant, and agree, to and with the said Company and their successors, that we, our heirs and successors, shall and will, from time to time, and at all times hereafter, upon the humble suit and request of the said Company and their successors, give and grant, unto them, all such further and other powers, privileges, authorities, matters and things, which we, or they, can or may lawfully grant, and as shall be reasonably advised, and devised, by the council learned of the same Company, and their successors, for the time being, and shall be approved by our attorney, or solicitor-general, on our behalf. In witness whereof, we have caused these our letters to be made patents. Witness, Thomas, Archbishop of Canterbury, and the rest of the keepers and justices of the kingdom, at Westminster, the fifth day of September, in the tenth year of our reign.

Will grant any further lawful powers and privileges upon request.

On the 22d July 1702, an Indenture Tripartite was made between Queen Anne of the first part; the old Company of the second part; and the new Company of the third part. The object of this was the union of the two Companies at the end of seven years. Several of the covenants are of temporary interest, and the greater part of them relate to trade. By the seventeenth article, the Queen grants that the General Courts of both Companies and their Sub-managers shall have the sole government of their forts; that they may coin foreign money in India; and that the old Company may convey Bombay and Saint Helena to the new Company. By the other articles the old Company covenant to surrender their Charters in two months after the expiration of the said seven years into the Queen's hand, and the Queen engages to accept of such surrender; and from thenceforth the new Company is to be called *The United Company of Merchants of England trading to the East-Indies*, whose affairs shall be conducted by their own sole Directors, agreeable to their Charter of the tenth of King

William the Third. And lastly, the Queen declares that this Indenture shall be construed in the most favourable sense for the advantage of both Companies.

By Indenture Quinquepartite, dated 22d July 1702, made between various parties, the old Company conveyed to the new Company all their forts, settlements, and dead stock of every description.

By Deed Poll, dated 29th September 1708, under the hand and seal of the Lord High Treasurer the Earl of Godolphin, made in pursuance of an Act of the sixth year of Queen Anne, stating, that the two Companies being desirous that a speedy and complete union might be had and perfected, pursuant to the before-mentioned Indenture Tripartite, had agreed to refer all matters in dispute concerning the same, and the completing the said union, unto the final determination of the said Earl, the Earl having thereupon heard both parties, made an award by virtue of which the union was completed.

And by Deed Poll enrolled in Chancery, dated 22d March 1709, the old Company, in pursuance of Lord Godolphin's award, and for the entire extinguishment of their corporate capacity, granted, surrendered, yielded, and gave up to the Queen, her heirs and successors, their corporate capacity or body politic, of Governor and Company of Merchants of London trading into the East-Indies, and all their charters, capacities, powers, and rights whatever, for acting as or continuing to be a body politic or corporate, by virtue of any Acts of Parliament, Letters Patent, or Charters whatever.

By 3 & 4 Wm. 4, cap. 85, sec. 3, it is enacted, that in all suits, proceedings, and transactions whatsoever, the Company may be called "The East-India Company."

STATUTES.

9 & 10 GULIELMI III. Cap. XLIV.

An Act *for raising a sum not exceeding two millions, upon a Fund for payment of Annuities, after the rate of eight pounds per centum per annum, and for settling the Trade to the East-Indies.*

LXII. And be it further enacted by the authority aforesaid, that if the said whole sum of two millions, or one moiety, or any greater part thereof, shall be subscribed on or before the said nine-and-twentieth day of September, one thousand six hundred and ninety-eight, and all or any corporations, or other person or persons, having particular shares or interest in the principal stock of the said General Society, or in proportionable annuities or yearly payments issuing out of the said yearly fund, shall be willing and desirous to unite or join together such their several shares and interests, and to be incorporated so as they may be able to manage their trade (in proportion to their interests) as a Company, and by a joint stock, that then it shall or may be lawful to and for his Majesty, by Letters Patents under the Great Seal of England, to incorporate all such persons and corporations by such proper name as his Majesty, his heirs or successors, shall think fit, to be one Company, with power to manage and carry on their trade to the East-Indies, and other the limits aforesaid, by a joint stock, and to have a perpetual succession, and a common seal, and with power to grant and take, sue and be sued, and to choose their own managers or directors, and officers, from time to time, and such other powers and clauses, as shall be necessary or requisite for the carrying on of such trade, and shall be reasonable for his Majesty to grant; nevertheless, such Company, so to be created with power to trade with a joint stock, as aforesaid, shall be restrained to such proportion of the trade in the whole, as all the particular members thereof would have been entitled to at the rate before mentioned, in case such new Company were not made, and the directors or managers, and other members of the same, shall be subject to such further rules, qualifications, and appointments, as his Majesty in their Charter shall think necessary or reasonable to be inserted. (1)

Persons entitled to particular shares in the principal stock of "The General Society entitled to the advantages given by an Act of Parliament for advancing a sum not exceeding two millions for the service of the Crown of England," may be incorporated into a Company, to trade with a joint stock, &c., by such proper name as his Majesty shall think fit.

(1) [Although the commercial character of the Company is in abeyance, it has been deemed necessary to insert this section to elucidate the Charter of William III, that charter having been granted under the authority of this Act. See the note introducing the extracts from the Charter.]

LXVII. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for his Majesty, by the said Charter or Charters of incorporation, to empower the said General Society and their successors, and such Company as shall be erected to trade with a joint stock, as aforesaid, and their successors, or either of them, severally, to make reason-

General Societies, &c. may make by-laws.

able laws, constitutions, orders, and ordinances, from time to time, for the good government of the said trade to the East-Indies, and other the parts aforesaid, and of the traders, factors, agents, officers, and others concerned in the same, and to inflict reasonable penalties and punishments, by imprisonment, mulcts, fines, or amerciaments for any breach or breaches thereof, and to levy such mulcts, fines, or amerciaments to the use of such General Society or Company respectively.

Stocks esteemed personal estates.

LXXI. And be it further enacted by the authority aforesaid, that the estates, interests, and stocks of money of the several corporations to be created or established in pursuance of this Act, and of each and every particular member thereof, shall be and be adjudged, taken, and accepted, in construction of law by all judges, and in courts of law and justice, and in all courts and places whatsoever, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, or entitled thereunto, and not to the heirs of such person or persons; any law, statute, usage, or custom, to the contrary notwithstanding.

Annuities out of the yearly fund, and shares in trade, &c. exempt from taxes.

LXXII. And be it further enacted by the authority aforesaid, that the several annuities or payments issuing out of the said yearly fund, or the shares, parts, or interests of any members of the said General Society, or of the said Company, to be erected by virtue of this Act, of and in the principal or capital stocks of the same, or of or in the benefit of trade to be annexed thereunto, in pursuance of this Act, during the continuance of the same, shall be and are hereby exempted from any taxes, rates, assessments, or impositions whatsoever.

No member, in respect of his stock only, shall be adjudged a bankrupt. Stock not liable to foreign attachment.

LXXIV. And be it enacted, that no member of any society or company to be erected in pursuance of this Act shall, in respect of his stock therein only, be or be adjudged liable to be a bankrupt, within the intent and meaning of all or any the statutes made against or concerning bankrupts; and that no stock in such society or company shall be subject or liable to any foreign attachment by the custom of the city of London, or otherwise.

8 & 9 W. 3, c. 20.

LXXV. And whereas by an Act of Parliament made in the eighth and ninth years of his Majesty's reign, intituled, *An Act for making good the deficiencies of several Funds therein mentioned, and for enlarging the capital Stock of the Bank of England, and for raising the public credit*, it is (amongst other things) enacted, that during the continuance of the Corporation of the Governor and Company of the Bank of England, no other bank, or any other corporation, society, fellowship, company, or constitution, in the nature of a bank, shall be erected or established, permitted, suffered, countenanced, or allowed by Act of Parliament, within this kingdom, as in and by the said Act more at large may appear: Now, for the better securing the privileges of the said Governor and Company of the Bank of England, granted to them by Parliament, and to prevent the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act, from interfering with, or being prejudicial to, the said Governor and Company of the Bank of England: Be it enacted by the authority aforesaid, that it shall not be lawful to or for the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act (as a corporation, society, fellowship, company, or constitution) to borrow, owe, or give security for any sum or sums of money, on credit of any public fund or funds hereby granted, or any part thereof; and that it shall not be lawful for the said corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act, to borrow, owe, or give security for any other or greater

Not lawful for the General Society, &c. to borrow any sums on credit of the funds by this Act granted,

nor to borrow any other sums than employed in trade.

sum or sums of money, than such as shall be really and *bonâ fide* expended and laid out in and for the buying of goods, bullion, or commodities to be exported for the proper account of the said corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act, or shall be otherwise employed in their trade; all which sum or sums of money, so to be borrowed for the purpose aforesaid, shall be borrowed only on their common seal, and shall not be made payable, or *bonâ fide* agreed to be paid, at any time less than six months from the time of the borrowing thereof;(1) and that it shall not be lawful for the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act, to discount any bills of exchange or other bills or notes whatsoever, or to keep any books or cash, of or for any person or persons, bodies politic or corporate whatsoever, other than only the proper monies and cash of the said corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act.

Monies shall be borrowed only on their common seal, and not made payable in less than six months.

Company may not discount bills of exchange, &c. or keep cash for any person whatsoever.

(1) [See note on 34 Geo. 3, cap. 41.]

Section 79 provides for the cessation of the Corporations created under this Act, and of the benefit of trade thereby given, on three years' notice after 29th September 1711. By the 6 Annæ, cap. 17, sec. 6, this proviso was repealed, and by sec. 9 of the same Act, three years' notice after 25th March 1726 was substituted. The 10 Annæ, cap. 28, continues to the Company its trade, franchises, privileges, and profits, and fixes the period of redemption of the debt due from the state at the expiration of three years' notice after 25th March 1733. By 3 Geo. 2, cap. 14, sec. 11, the exclusive trade was continued till the end of three years' notice after 25th March 1736; and section 12 provides for the continuance of the Corporation. The 17 Geo. 2, cap. 17, sec. 13, makes the exclusive trade determinable on three years' notice after 25th March 1780, and section 14 provides for the continuance of the Corporation and common right to trade. By 7 Geo. 3, cap. 57, sec. 2, the territorial acquisitions and revenues then recently obtained were to remain under the Company till the 1st Feb. 1769. By 9 Geo. 3, cap. 24, sec. 11, the period was extended to 1st Feb. 1774. It was further extended by 13 Geo. 3, cap. 64, till certain advances of money were repaid; and this having been effected, it was continued by 19 Geo. 3, cap. 61, sec. 1, till 5th April 1780; and by 20 Geo. 3, cap. 56, sec. 1, to the 5th April 1781. By 21 Geo. 3, cap. 65, secs. 3, 4, 5, and 8, the exclusive trade and the territorial possessions were secured to the Company till three years' notice after 1st March

1791; and sec. 6 reserves the rights of the corporate body, and of continuing to trade on joint stock. The 33 Geo. 3, cap. 52, renewed the Company's trade and government till three years after 1st March 1811 (sec. 73); section 74 reserving the Corporation, &c. The 53 Geo. 3, cap. 155, sec. 1 to 3, continued the Government and exclusive trade with China for a period expiring on three years' notice after 10th April 1831; but by sec. 6 opened that with India: section 4 provides for the continuance of the Corporation and right to trade. The 3 & 4 Wm. 4, cap. 85, renewed the term of the Company's Government, but suspended their trade, except so far as it might be carried on for the purposes of Government.

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11 & 12 GULIELMI III. Cap. XII.

An Act *to punish Governors of Plantations in this Kingdom for Crimes by them committed in the Plantations.*

Whereas a due punishment is not provided for several crimes and offences committed out of this his Majesty's realm of England, whereof divers Governors, Lieutenant-governors, Deputy-governors, or Commanders-in-chief of plantations and colonies within his Majesty's dominions beyond the seas, have taken advantage, and have not been deterred from oppressing his Majesty's subjects within their respective governments and commands, nor from committing several other great crimes and offences, not deeming themselves punishable for the same here, nor accountable for such their crimes and offences to any person within their respective governments and commands: for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in Parliament assembled, and by the authority of the same, that if any Governor, Lieutenant-governor, Deputy-governor, or Commander-in-chief of any plantation or colony within his Majesty's dominions beyond the seas, shall after the first day of August one thousand seven hundred, be guilty of oppressing any of his Majesty's subjects beyond the seas, within their respective governments or commands, or shall be guilty of any other crime or offence, contrary to the laws of this realm, or in force within their respective governments or commands, such oppressions, crimes, and offences, shall be inquired of, heard, and determined in his Majesty's Court of King's Bench here in England, or before such commissioners, and in such county of this realm, as shall be assigned by his Majesty's commission, and by good and lawful men of the same county, and that such punishment shall be inflicted on such offenders as are usually inflicted for offences of like nature committed here in England.

Governors, &c. of any colony, &c. beyond the sea guilty of oppression, &c.

may be tried in England.

6 ANNÆ. Cap. XVII.

An Act *for assuring to the English Company trading to the East-Indies, on Account of the united Stock, a longer Time in the Fund and Trade therein mentioned, and for raising thereby the Sum of twelve hundred thousand Pounds for carrying on the War, and other her Majesty's Occasions.*

Section 2 of this Act empowers the Company to borrow to a certain amount on their common seal, to enable them to advance money for the use of the Crown. See note on 34 Geo. 3, cap. 41.

Sections 3 to 5, with a view to the same object, provide the means of increasing the capital stock of the Company. See note on section 11 of 3 & 4 Wm. 4, cap. 85.

Section 6 repeals the proviso of redemption contained in 9 and 10 Will. 3, cap. 44, and sec. 9 substitutes a new one, for which see the note at the end of the quotations from the Act last referred to. (9 and 10 Will. 3, cap. 44.)

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9 ANNÆ. Cap. VII.

An Act *to disable any Person to be Governor, Deputy-governor, or Director of the Bank of England, and a Director of the East-India Company, at the same time.*

None may be Governor, Deputy-governor, or Director of the Bank and East-India Company, at the same time.

XI. And be it enacted by the authority aforesaid, that in all future elections of Governor, Deputy-governor, or Directors of the respective Corporations of the Bank of England, and of the United Company of Merchants of England trading to the East-Indies, all and every person or persons who shall be elected Governor, Deputy-governor, or Director of the Bank of England, shall, during the year for which he or they shall be elected, be incapable of being chosen Director or Directors for the management of the affairs of the said United Company; and all and every person or persons, who shall be elected a Director or Directors of the said United Company, shall, during the year for which he or they shall be so elected, be incapable of being chosen a Governor, or Deputy-governor, or Director or Directors of the Bank of England.

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9 ANNÆ. Cap. XXI.

An Act *for making good Deficiencies, and satisfying the public Debts; and for erecting a Corporation, to carry on a Trade to the South Seas, and for the encouragement of the Fishery; and for Liberty to trade in unwrought Iron with the Subjects of Spain; and to repeal the Acts for registering Seamen.*

Governor, &c. not to be Governor, &c. of the Bank or East India Company at the same time.

LXI. And be it enacted by the authority aforesaid, That no person shall be capable of being elected a Governor, Deputy-governor, or Director of the said intended corporation, during the time that he shall be a Governor, Deputy-governor or Director of either of the

respective Corporations of the Bank of England, or of the United Company of Merchants of England trading to the East-Indies, and every person who shall be elected a Governor, Deputy-governor, or Director of the said intended corporation, shall during the time he shall be such Governor, Deputy-governor, or Director, be incapable of being chosen a Governor, Deputy-governor, or Director of either of the said respective Corporations of the Bank of England, or of the United Company of Merchants of England trading to the East-Indies.

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10 ANNÆ. Cap. XXVIII.

An Act *for continuing the Trade and Corporation-Capacity of the United East-India Company, although their Fund should be redeemed.*

This Act repeals the proviso of redemption in 6 Ann. cap. 17, and substitutes another ; see note at end of 9 & 10 Will. 3, cap. 44.

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7 GEORGII I. Cap. V.

An Act *to enable the South Sea Company to ingraft Part of their capital Stock and Fund into the Stock and Fund of the Bank of England, and another part thereof into the Stock and Fund of the East-India Company ; and for giving further Time for Payments to be made by the South Sea Company, to the use of the public.*

Section 32 of this Act relates to the borrowing of money by the Company on bond ; see note on 34 Geo. 3, cap. 44. Part of sec. 33 relates to the same subject ; the remainder follows.

XXXIII. And it is hereby provided and enacted by the authority aforesaid, * * * * * * * * * * * *

East-India Company may not discount bills, or keep cash for others.

That it shall not be lawful for the said United Company of Merchants of England trading to the East-Indies, or their successors, to discount any bills of exchange, or other bills or notes whatsoever, or to keep any books or cash of or for any person or persons, bodies politic or corporate whatsoever, other than only the proper monies and cash of the same United Company ; any thing in this Act contained to the contrary notwithstanding.

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7 GEORGII I. Cap. XXI.

An Act *for the further preventing his Majesty's Subjects from trading to the East-Indies, under foreign Commissions ; and for encouraging and further securing the lawful Trade thereto ; and for further regulating the Pilots of Dover, Deal, and the Isle of Thanet.*

Company may ship out stores of war duty free, such duty not exceeding £300 in one year.

XIII. And be it further enacted by the authority aforesaid, that the said United Company shall for the future be allowed to ship out stores, provisions, utensils of war, and necessaries for maintaining their garrisons and settlements, free of all duties, so as such duties, if they had been to be paid, would not have exceeded, or do not exceed, in any one year, the sum of three hundred pounds.

2 GEORGII II. Cap. XXV.

An Act *for the more effectual preventing, and further Punishment of Forgery, Perjury, and Subornation of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money.*

II. And, the more effectually to deter persons from committing wilful and corrupt perjury, or subornation of perjury, be it further enacted by the authority aforesaid, that besides the punishment already to be inflicted by law for so great crimes, it shall and may be lawful for the Court, or Judge, before whom any person shall be convicted of wilful and corrupt perjury, or subornation of perjury, according to the laws now in being, to order such person to be sent to some house of correction within the same county, for a time not exceeding seven years, there to be kept to hard labour during all the said time, or otherwise, to be transported to some of his Majesty's plantations beyond the seas, for a term not exceeding seven years, as the Court shall think most proper; and thereupon judgment shall be given, that the person convicted shall be committed or transported accordingly, over and beside such punishment as shall be adjudged to be inflicted on such person, agreeable to the laws now in being; and if transportation be directed, the same shall be executed in such manner as is or shall be provided by law for the transportation of felons; and if any person so committed or transported shall voluntarily escape, or break prison, or return from transportation, before the expiration of the time for which he shall be ordered to be transported as aforesaid; such person being thereof lawfully convicted, shall suffer death as a felon, without benefit of clergy, and shall be tried for such felony in the county where he so escaped, or where he shall be apprehended.

Penalty for perjury and subornation.

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3 GEORGII II. Cap. XIV.

An Act *for reducing the Annuity or Fund of the United East-India Company, and for ascertaining their Right of Trade to the East-Indies, and the Continuance of their Corporation for that purpose, upon the terms therein-mentioned.*

VII. But nevertheless, and notwithstanding such redemption, be it further enacted by the authority aforesaid, that all and every person and persons, who now are, or shall at the time of such redemption be entitled unto, or who now have, or shall have any part, share, or interest of, in, or to the said three millions two hundred thousand pounds, or of, in, or to a proportionable part, share or interest in the said additional stock, stock in trade, or money paid for carrying on the same, or in the said forts, factories, settlements, lands, tenements, rights, hereditaments, possessions, estate or estates, of or belonging to the said United Company of Merchants of England trading to the East-Indies, or unto which they are, shall, or may be entitled; and all and every person and persons, bodies politic and corporate, who, as executors, administrators, successors or assigns, or by any other lawful way or title derived, or to be derived, from, by, or under them, shall have, or be entitled to have, any part, share, or interest, of, in or to the same, or of, in, or to any future or other additional stock, stock in trade, monies, possessions, rights, hereditaments, or estates, of or belonging to, or that shall or may be acquired, gained or obtained by the said United Company, or their successors, so long as they shall respectively have, or be entitled to have, any such share, part or interest, shall be, and continue to be, a body politic and corporate, in deed and in name, by the name

After redemption, members of the Company to continue a body politic.

of The United Company of Merchants of England trading to the East-Indies, and by that name (1) shall have perpetual succession, and a common seal; and they and their successors, by the name aforesaid, (1) shall be able and capable in the law to have, purchase, receive, enjoy, possess and retain to them and their successors, lands, rents, tenements and hereditaments, of what kind, nature, or quality soever, and also to sell, grant, demise, aliene, or dispose of the same; and by the same name (1) to sue and implead, be sued and impleaded, answer and be answered, in all or any courts of record, or any other place whatsoever, and to do and execute all and singular other matters and things, by the name aforesaid, (1) that to them shall or may appertain to do, and shall have, hold and enjoy all benefits, privileges, franchises, and rights, which by any former Act or Acts, or any Charter or Charters founded thereupon, the said United Company of Merchants of England trading to the East-Indies, might hold and enjoy which are not herein or hereby altered or varied; and all and every person and persons, having at the time of such redemption of the said yearly fund of one hundred and twenty-eight thousand pounds, any. part, share, or interest of, in, or to the said principal stock of three millions two hundred thousand pounds, and of, in, or to the said additional stock, stock in trade, and monies paid in for carrying on the same, and of, in, and to other the possessions, rights, estates, and hereditaments aforesaid, acquired or purchased by, or anyways belonging or appertaining to the said United Company of Merchants of England trading to the East-Indies; and all persons, bodies politic and corporate, that shall or may at any time after derive from them any right or title to such monies paid in, stocks, possessions, rights, hereditaments, and estates, notwithstanding such redemption, shall have, and continue to have, and be entitled unto the same, and unto all future and other the stocks, monies, possessions, rights, hereditaments, and estates, to be acquired, gained, belonging, or to belong to the said United Company, and their successors, and to all benefits, profits, privileges, and advantages arising or to arise therefrom, in proportion to their respective parts, shares, and interests therein; and the said parts, shares, and interests of such persons, of and in the same, shall and may be assigned and assignable, transferred and transferable, in such or the like manner, *mutatis mutandis*, as their respective parts, shares or interests of and in the said principal stock of three millions two hundred thousand pounds, and the additional stock thereto, or either of them are now assignable or transferable, or may be assigned or transferred.

(1) [Under 3 & 4 Wm. 4, cap. 85, sec. 111, the Company may in all transactions be called "The East-India Company."]

To enjoy all privileges granted by Acts or Charters.

X. And moreover it is hereby enacted by the authority aforesaid, that the said United Company of Merchants of England trading to the East-Indies, shall at all times hereafter for ever (subject as aforesaid) have, hold, and, enjoy, and be entitled unto, all and every the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, and all penalties and forfeitures, and disabilities, provisions, matters, and things whatsoever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon, or by any clause or clauses in the said Acts, or Charters, contained, are enacted, given, granted, provided, inflicted, limited, established, or declared to, for touching, or concerning the said Company or body politic and corporate, either by the name of The General Society, entitled to the advantages given by an Act of Parliament for advancing a sum not exceeding two millions for the service of the Crown of England or the said body politic and corporate, called by the name of The English Company trading to the East-Indies, or the said body politic and corporate now called by the name of The United Company of Merchants of England trading to the East-Indies, and not by this Act altered, or intended to be altered, according to the tenor and true meaning of the said Acts and Charters

freed and discharged from all provisoes and conditions of redemption and determination therein contained, and the same and every of them are hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised and put in execution by the said United Company of Merchants of England trading to the East-Indies, and their successors, for the better and more effectual settling and securing to them and their successors, the whole, sole, and exclusive trade to the East-Indies, and parts aforesaid, and for the preventing all his Majesty's subjects trading thither, and for securing also their possessions, estates, and effects, and governing their affairs and business in all respects, as fully and effectually, as if the same profits, benefits, advantages, trade, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties and forfeitures, disabilities, provisions, matters, and things, were severally repeated, and at large re-enacted in the body of this Act; subject, nevertheless to such restrictions, covenants and agreements, as are contained in the said Acts and Letters Patent now in force, and not herein or hereby varied or altered, and subject also to the proviso following; that is to say,

The Proviso which forms section 11, reserves the power of terminating the Company's exclusive trade on three years' notice after 25th of March 1736; see note following the quotations from 9 & 10 Wm. 3, cap. 44. The succeeding section reserving the rights of the Corporation is here retained.

XII. Provided always, and it is hereby further enacted by the authority aforesaid, that nothing in the above proviso, or in any proviso in the Act of the ninth year of the reign of his said Majesty King William the Third, or in the said Charter of the fifth day of September in the tenth year of his said Majesty, or in any other Act or Charter contained, shall extend or be construed to extend, to determine the Corporation of the said United Company of Merchants of England trading to the East-Indies, or to hinder, prevent, or exclude, the said United Company from carrying on at all times after such determination, of the right to the sole, whole, and exclusive trade, as aforesaid, a free trade, in, to, and from the East-Indies, and parts aforesaid, with all or any part of their own joint stock in trade, goods, merchandizes, estate and effects, in common with other the subjects of his Majesty, his heirs and successors, trading in, to, and from those parts. (1)

Corporation to continue.

9 Wm. 3, c. 44.

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 3 & 4, for suspension of Company's trade.]

XIV. Provided always, and be it hereby further enacted by the authority aforesaid, that the said United Company shall be, and are hereby restrained and enjoined from buying, purchasing, enjoying, or possessing at any one time, any messuages, lands, rents, tenements, or hereditaments, of what nature, kind, or quality soever, in the kingdom of Great Britain, exceeding in the whole the yearly value of ten thousand pounds; any thing herein, or in any former Act, or in any Charter granted to the said Company, in anywise notwithstanding.

Company not to purchase lands, &c. exceeding £10,000 per annum.

By subsequent Acts the Company were empowered to purchase lands and erect warehouses to a large extent. Since the suspension of the Company's trade, the whole of the property thus acquired has been disposed of, and the Acts, or parts of Acts, relating to it will, consequently, not appear in this collection.

17 GEORGII II. Cap. XVII.

An Act *for granting to his Majesty the Surplus or Remainder of the Monies arisen, or to arise, by the Duties on Spirituous Liquors, granted by an Act of the last Session of Parliament; and for explaining and amending the said Act in Relation to the Retailers of such Liquors; and for establishing an Agreement with the United Company of Merchants of England trading to the East-Indies.*

Section 8 of this Act empowers the Company to increase their Bond Debt; see note on 34 Geo. 3, cap. 41.

East-India Company to have the benefit of all Acts and Charters made in their favour;

XII. And moreover it is hereby enacted by the authority aforesaid, that the said United Company of Merchants of England trading to the East-Indies, shall at all times hereafter for ever (subject as aforesaid) have, hold, and enjoy, and be entitled unto all and every the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, and all penalties and forfeitures, and disabilities, provisions, matters, and things whatsoever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon, or by any clause or clauses in the said Acts or Charters contained, are enacted, given, granted, provided, inflicted, limited, established, or declared, to, for, touching or concerning the said Company, or body politic and corporate, either by the name of "The General Society, entitled to the Advantages given by an Act of Parliament for advancing a Sum not exceeding two millions for the Service of the Crown of England;" or the said body politic and corporate, called by the name of "The English Company trading to the East-Indies;" or the said body politic and corporate, now called by the name of "The United Company of Merchants of England trading to the East-Indies;" and not by this Act altered, or intended to be altered, according to the tenor and true meaning of the said Acts and Charters, freed and discharged from all provisoes and conditions of redemption and determination therein contained; and the same and every of them, are hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised, and put in execution by the said United Company of Merchants of England trading to the East-Indies, and their successors, for the better and more effectual settling and securing to them and their successors, the whole, sole, and exclusive trade to the East-Indies, and parts aforesaid; and for the preventing all other his Majesty's subjects trading thither, and for securing also their possessions, estate, and effects, and governing their affairs and business in all respects, as fully and effectually as if the same profits, benefits, advantages, trade, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters and things, were severally repeated, and at large re-enacted in the body of this Act; subject nevertheless to such restrictions, covenants, and agreements, as are contained in the said Acts and Letters Patent now in force, and not herein or hereby varied or altered, and subject also to the proviso following.

and not altered by this Act.

The proviso extends the Company's right to the exclusive trade to a period terminable by three years' notice after 25th March 1780; see note at end of 9 & 10 Will. 4, cap. 44. The following section reserves their common rights.

Corporation to have a common right of trade with others, after their exclusive right is determined.

XIV. Provided always, and it is hereby further enacted, that nothing in the above proviso, or in any proviso in the said Act of the ninth year of the reign of his late Majesty King William the Third, or in the said Charter of the fifth day of September, in the tenth year of his said late Majesty's reign, or in any other Act or Charter contained, shall extend, or be construed to extend, to determine the Corporation of the said United Company of Merchants of England trading to the East-Indies, or to hinder, prevent, or exclude, the said United Company from carrying on, at all times after such determination of the right to the sole, whole, and exclusive trade as aforesaid, a free trade in, to, and from the East-Indies, and parts aforesaid, with all or any part of their own joint stock in trade, goods, merchandizes, estate, and effects, in common with other the subjects of his Majesty, his heirs and successors, trading in, to, or from those parts. (1)

(1) [*Vide* 3 & 4 Wm. 4, c. 85.]

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23 GEORGII II. Cap. 22.

An Act *for giving further Time to the Proprietors of Annuities, after the Rate of four Pounds per Centum per Annum, to subscribe the same in the Manner, and upon the Terms, therein mentioned; and for redeeming such of the said Annuities as shall not be so subscribed; and for empowering the East-India Company to raise certain Sums by transferable Annuities.*

Section 6 of this Act continues and confirms the powers given by former Acts of Parliament for borrowing on Bond; and makes provision for reducing the amount thus borrowed; see note on 34 Geo. 3, cap. 41.

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7 GEORGII III. Cap. XLIX.

An Act *for regulating certain Proceedings of the General Courts of the United Company of Merchants of England trading to the East-Indies.*

No balloting upon any question to take place sooner than eight hours after breaking up of the Court; and to be begun not later than twelve at noon, nor closed before six P.M.

III. And be it further enacted by the authority aforesaid, that no balloting upon any question proposed in any General Court of the said Company, relative either to the declaration of a dividend, or to any other matter whatsoever, shall be begun within a less space of time than eight hours after adjournment (1), or breaking up, of the General Court in which it shall have been determined that such question shall be decided by balloting; and that in no case the balloting shall be begun at a later hour of the day than twelve of the clock at noon, nor closed at an earlier hour than six of the clock in the afternoon.

(1) [By 10 Geo. 3, cap. 47, sec. 3, which will be found on a subsequent page, no ballot can take place in less than twenty-four hours after adjournment.]

7 GEORGII III. Cap. LVII.

An Act *for establishing an Agreement for the Payment of the annual Sum of four hundred thousand Pounds, for a limited time, by the East-India Company in respect of the territorial Acquisitions and Revenues lately obtained in the East-Indies.*

Section 2 of this Act vests in the Company for two years, from the 1st February 1767, all the territorial acquisitions and revenues then lately obtained in the East-Indies.—See note following the extracts from 9 & 10 Wm. 3, cap. 44, in this collection.

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9 GEORGII III. Cap. XXIV.

An Act *for carrying into Execution certain Proposals made by the East-India Company for the Payment of the annual Sum of four hundred thousand Pounds, for a limited Time, in respect of the territorial Acquisitions and Revenues lately obtained in the East-Indies.*

The second section of this Act confirms the Company in the possession of the territory and revenues previously granted for five years from the 1st February 1769.—See the note referred to in connexion with 7 Geo. 3, cap. 57.

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10 GEORGII III. Cap. XLVII.

An Act *for better regulating Persons employed in the Service of the East-India Company, and for other purposes therein mentioned.*

7 Geo. 3, c. 49. III. And whereas, by one other Act of Parliament passed in the seventh year of the reign of his present Majesty, intituled "An Act for regulating certain Proceedings of the General Courts of the United Company of Merchants of England trading to the East-Indies," it was enacted, that no dividend should be made by the said Company, for or in respect of any time subsequent to the twenty-fourth day of June, one thousand seven hundred and sixty-seven, otherwise than in pursuance of a vote or resolution, passed by way of balloting, in a General Court of the said Company, which shall have been summoned for the purpose of declaring a dividend, and of the meeting of which General Court for such purpose, seven days' notice at least shall have been given in writing, fixed upon the Royal Exchange in London; and it was thereby further enacted, that no balloting upon any question proposed in any General Court of the said Company, relative to any matter whatsoever, should be begun within a less space of time than eight hours after the adjournment or breaking up of the General Court in which it should have been determined that such question should be decided by balloting: and whereas the balloting for every dividend of the said Company, as prescribed by the last recited Act, would be attended with much inconvenience and delay, in cases where no alteration in the rate of the said Company's dividend is made or intended to

be made: and whereas the time or space of eight hours thereby also prescribed for taking such balloting in question, and not relative to the declaration of a dividend, is not sufficient to give the proprietors at large of the said Company's stock a full and fair opportunity to exercise their right of taking such part in every such determination as they are entitled to by law; therefore, for preventing the aforesaid inconveniences for the future, be it enacted by the authority aforesaid, that from and after the passing of this Act, when any half-yearly or other dividend of the said Company shall be voted and declared by a General Court of Proprietors, not varying or differing from the rate of the said Company's dividend for the last preceding half-year, that then and in every such case it shall not be necessary for the said General Court of the said Company to proceed to a ballot respecting such dividends; but that a declaration from the Chairman for the time being of the said Company of the voting and agreeing of the General Court of Proprietors to such dividend, shall be a sufficient notice and authority for declaring and making such dividend (1); and that from and after the passing of this Act, no balloting upon any question proposed in any General Court of the said Company, relative to any matter whatsoever, shall be begun within a less space of time than twenty-four hours after the adjournment or breaking up of the General Court in which it shall have been determined that such question should be decided by balloting; any thing in the said last recited Act to the contrary notwithstanding.

No balloting to be begun within less than twenty-four hours after adjournment of General Court.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 11, the rate of dividend is fixed.]

IV. And be it further enacted by the authority aforesaid, that if any person or persons whatsoever, employed by or in the service of the said United Company, in any civil or military station, office, or capacity whatsoever, in the East-Indies, or deriving or claiming any power, authority, or jurisdiction, by or from the said United Company, shall, after the passing of this Act, be guilty of oppressing any of his Majesty's subjects beyond the seas within their respective jurisdictions; or in the exercise of any such station, office, employment, power or authority, derived or claimed by, from, or under the said United Company, or shall be guilty of any other crime or offence; such oppressions, crimes, and offences, shall and may be inquired of, heard, and determined, in his Majesty's Court of King's Bench in England; and such punishments shall be inflicted on such offenders, as are usually inflicted for offences of the like nature committed in that part of Great Britain called England; and that the same, and all other offences committed against this Act, may be alleged to be committed, and may be laid, inquired of, and tried in the county of Middlesex.

Company's servants in the East Indies guilty of oppression or other crimes,

may be tried in the Court of King's Bench, and punished as if offence committed in England.

V. And be it further enacted by the authority aforesaid, that in all actions or suits, brought against the said United Company, their agents, or servants, or any person deriving authority under the said Company, for any thing by him or them done in such capacity, from and after the passing of this Act, the defendant or defendants, in any such action or suit, may plead the general issue, and give the special matter in evidence.

Defendants may plead the general issue.

VII. Provided always, and it is hereby enacted and declared, that the defendant or defendants, or his or their attorney, shall deliver to the plaintiff or plaintiffs in every such action, or his or their attorney, a notice in writing, signed by the defendant or defendants, or his or their attorney, of the substance of the defence or defences, which he or they intend to rely upon, six days before the trial of such action, in case the same is to be tried in London or Middlesex; and eight days before the trial thereof, in case the same is to be tried in any other county; and the defendant or defendants shall not, by virtue of this Act, be permitted, at the trial of any such action, to give evidence of any matters not contained in such notice.

Defendant to deliver to plaintiff a notice of the substance of his defence,

and shall not give evidence of any matters not contained therein.

In reference to the three preceding sections, *vide* 13 Geo. 3, cap. 63, sec. 39 to 41; 24 Geo. 3, cap. 25, sec. 64 and 65; 26 Geo. 3, cap. 57, sec. 28.

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13 GEORGII III. Cap. LXIII.

An Act *for establishing certain Regulations for the better management of the Affairs of the East-India Company, as well in India as in Europe.*

Preamble.

Whereas the several powers and authorities granted by Charters to the United Company of Merchants of England trading to the East-Indies have been found, by experience, not to have sufficient force and efficacy to prevent various abuses which have prevailed in the government and administration of the affairs of the said United Company, as well at home as in India, to the manifest injury of the public credit, and of the commercial interests of the said Company; and it is therefore become highly expedient that certain further regulations, better adapted to their present circumstances and condition, should be provided and established: and whereas the electing and choosing of Directors of the said United Company every year, in such manner as at present prescribed by Charter, has not answered the good purposes intended thereby, but, on the contrary, by limiting the duration of their office to so short a time, evidently tends to weaken the authority of the Court of Directors, and to produce instability in the councils and measures of the said Company: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that at the next ensuing general election of Directors of the said United Company, instead of an election of twenty-four Directors to serve for the space of one year only, there shall be chosen, in such manner and order as the Directors of the said United Company for the time being shall appoint, six Directors expressly for the term of one year, and six other Directors for the term of two years, and six other Directors for the term of three years, and the remaining six Directors for the term of four years, and not otherwise; and from thenceforth yearly and every year, and at the expiration of each and every of the said terms respectively, six new Directors, and no more, shall be chosen, from time to time, in the place of such Directors whose term shall have expired, and who are hereby declared incapable of being then re-chosen; and at every subsequent election, during the continuance of the Charter of the said United Company, six new Directors shall be chosen, and shall continue to be Directors for the term of four years, and no longer, to be accounted from the day on which the election of such Directors was respectively made; and in case the office and authority of any such Director shall become void by death, removal, or otherwise, another shall be chosen from time to time, in his place, to serve as a Director during the remainder of such term for which the person whose office shall have become void was chosen, and no longer.

At the next ensuing general election, instead of twenty-four for one year, there shall be chosen six Directors for the term of one year; six for two years; six for three years; six for four years; and so hereafter yearly.

All transfers made in a collusive manner to qualify voters at elections,

III. And whereas it has been found that the provision made by the Charter of the tenth year of the reign of King William the Third, under which persons possessed of five hundred pounds stock are entitled to vote in General Courts, has been productive of much inconvenience in the present situation of the Company, and tends to promote the mischievous practice of making collusive transfers, which practice hath not been sufficiently prevented by the provision made by an Act of the seventh year of his present Majesty's reign, whereby the right of voting is limited to persons having been six calendar months in possession of their stock; be it further enacted, that all transfers of stocks whatsoever made to any person or persons, in

any fraudulent or collusive manner, on purpose to qualify him, her, or them, to give his, her, or their vote or votes, at any election of members of the Court of Directors, or in any general Court of the said United Company (subject nevertheless to conditions or agreements, either verbal or in writing, to defeat or determine such transfers, or to retransfer or return the same), shall be deemed and taken against those persons who transferred the same, as free and absolute, and be holden and enjoyed by all and every such person or persons to whom such transfer shall be made, as aforesaid, freely and absolutely acquitted, exonerated, and discharged, of and from all manner of trusts, conditions, powers of revocation, provisoes of redemption, or other defeazances between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, notes collateral, or other securities, contracts, or agreements, between or with the said parties, or any other person or persons in trust for them, or any of them, for the retransferring, redeeming, revoking, or defeating such transfer, or for the restoring or retransferring thereof, or any part thereof, to any person or persons who made such transfer, or to any other person or persons in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever: And that every person to whom such transfer shall have been made, and who shall have voted by virtue thereof, at any election of members of the Court of Directors, or in any General Court of the said United Company, and who shall afterwards retransfer or return the same, in consequence of any trust, condition, powers of revocation, proviso of redemption, or other defeazance whatsoever, as aforesaid, shall, for every such offence, forfeit the sum of one thousand pounds; one moiety whereof shall go and be disposed of to any person who shall sue for the same, and the other moiety to his Majesty, his heirs and successors; to be recovered, together with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's Courts of Record at Westminster, wherein no essoin, privilege, protection, wager of law, or more than one imparlance, shall be admitted or allowed; and that from and after the first day of October, one thousand seven hundred and seventy-three, no member or proprietor of the said United Company shall be deemed qualified, or capable to vote, or be admitted to give any vote or votes, at any election of Directors, or at any General Court of the said United Company, in respect of any stock amounting to less than one thousand pounds, nor in respect of any stock transferred to him, her, or them, after the said first day of October, one thousand seven hundred and seventy-three, until he, she, or they, shall have been possessed of such stock twelve calendar months, in his, her, or their own right, and not in trust for any other person or persons whatsoever, freed and discharged of all incumbrances which can or may affect the same, unless such stock shall have been acquired, or shall have come to such proprietor by bequest, or by marriage, or by succession to any intestate's estate, or by the custom of the City of London, or by any deed of settlement after the death of any person who shall have been entitled for life to the dividends of such stock; any law, statute, or usage, to the contrary notwithstanding.

and all bonds, covenants, &c. with persons in trust, shall be null and void.

Penalty on persons who shall vote by virtue of collusive transfers at any election, and shall afterwards retransfer the stock in consequence of any trusts, &c.

After Oct. 1, 1773, no proprietor shall vote at any election of Directors in respect of stock amounting to less than £1,000, nor until he shall have been possessed thereof twelve calendar months.

Certain cases excepted.

IV. Provided always, and be it further enacted by the authority aforesaid, that every member or proprietor of the said United Company who shall be possessed, for the time or term aforesaid, in his or her own right, of three thousand pounds capital stock of the said Company, shall be entitled to give two votes at any election of Directors, or at any ballot of the said Company; and every member or proprietor who shall be possessed, for the time or term aforesaid, of six thousand pounds, in his or her own right, shall be entitled to give three votes; and every member or proprietor who shall be possessed, for the time or term aforesaid, of ten thousand pounds, or more, shall be entitled to give four votes at such election or ballot; and the oath and affirmation hereinafter respectively prescribed, shall, as occasion shall require, be altered in such manner as shall be necessary to comprise such right of voting.

Every Proprietor possessed of £3,000 capital stock shall be entitled to two votes at any election; if possessed of £6,000, he shall have three votes; and when possessed of £10,000, shall be entitled to four votes.

Upon election of Directors every Proprietor shall, before admitted to vote, take a prescribed oath.

VI. And be it further enacted by the authority aforesaid, that from and after the first day of October, one thousand seven hundred and seventy-three, upon every election to be made of any member or members of the Court of Directors (1), and upon every ballot to be taken at any General Court of the said United Company, every member or proprietor of the said Company shall, before admitted to vote at such election, or in such General Court, first take the oath hereafter mentioned before two or more of the Directors of the said United Company, who are hereby empowered to administer such oath; that is to say,

"I, A. B., do swear," (or, being one of the people called Quakers, 'do solemnly affirm'), "That the sum of one thousand pounds or more of the capital stock of the United Company "of Merchants of England trading to the East-Indies, standing in my name, doth at this "time belong, and hath for the space of twelve calendar months actually belonged to me, in "my own right, and not in trust for any person or persons whatsoever; and that I have been "in the actual receipt of the dividends and profits thereof for my own use, freed and discharged "of all incumbrances which can or may affect the same, for the said space of twelve calendar "months; or that the same came to me within the time aforesaid by bequest, or by marriage, or by succession to an intestate's estate, or by the custom of the City of London, or "by settlement; and that such stock has not been transferred or made to me fraudulently or "collusively, on purpose to qualify me to give my vote; and that I have not before given my "vote on this ballot.

"So help me God."

Persons committing wilful perjury, or corruptly suborning others so to do, shall be liable to the penalties in Act 5 Eliz. c. 9; and 2 G. 2, c. 25.

And in case any person taking the oath or affirmation hereby appointed shall thereby commit wilful perjury, and be thereof convicted; and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation, in order to vote, whereby he or she shall commit such wilful perjury, and shall be thereof convicted, he, she, and they, for every such offence, shall incur such pains and penalties as are in and by two Acts of Parliament, the one made in the fifth year of the late Queen Elizabeth, intituled, "An Act for punishing such Persons as shall procure or commit wilful Perjury, or suborn or procure any Person to commit any wilful or corrupt Perjury;" the other made in the second year of his Majesty King George the Second, intituled, "An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities, for Payment of Money," directed to be inflicted for offences committed contrary to the said Acts.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 27, Proprietors resident within the United Kingdom may vote on Elections of Directors by Letter of Attorney, under certain conditions.]

Sections 7 & 8 relating to the constitution and proceedings of the Governor-general and Council, are practically superseded by later enactments. In reference to sec. 9 it is to be observed, that Bencoolen is no longer a British Settlement.

The powers of the Governor-general and Council.

IX. And be it further enacted by the authority aforesaid, that the said Governor-general and Council, or the major part of them, shall have, and they are hereby authorized to have, power of superintending and controlling the government and management of the Presidencies of Madras, Bombay and Bencoolen, respectively, so far and in so much as that it shall not be

lawful for any President and Council of Madras, Bombay and Bencoolen, for the time being, to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the said Governor-general and Council first had and obtained, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the orders from the Governor-general and Council might arrive; and except in such cases where the said Presidents and Councils respectively shall have received special orders from the said United Company; and any President and Council of Madras, Bombay, or Bencoolen, who shall offend in any of the cases aforesaid, shall be liable to be suspended from his or their office by the order of the said Governor-general and Council; and every President and Council of Madras, Bombay and Bencoolen, for the time being, shall, and they are hereby respectively directed and required, to pay due obedience to such orders as they shall receive, touching the premises, from the said Governor-general and Council for the time being, and constantly and diligently to transmit to the said Governor-general and Council advice and intelligence of all transactions and matters whatsoever, that shall come to their knowledge, relating to the government, revenues, or interest of the said United Company; and the said Governor-general and Council for the time being shall, and they are hereby directed and required to pay due obedience to all such orders as they shall receive from the Court of Directors of the said United Company, and to correspond from time to time, and constantly and diligently transmit to the said Court an exact particular of all advices or intelligence, and of all transactions and matters whatsoever, that shall come to their knowledge relating to the government, commerce, revenues, or interest, of the said United Company.

The three other Presidencies to obey the orders of the Supreme Government;

and the Supreme Government to obey the orders of the Directors, and to transmit intelligence of all occurrences to Directors.

The remainder of this section, relating to the delivery of copies of letters to the Secretaries of State, is repealed by 33 Geo. 3, cap. 52. In regard to the relation of the Government of India, and the subordinate Governments, see 33 Geo. 3, cap. 52, sections 40, 41, & 43; and 3 & 4 Wm. 4, cap. 85, sections 39, 59, 65, and 68.

By Sections 10 & 11 certain persons are appointed to particular offices, and the times of their entering thereupon fixed. These are succeeded by the following proviso.

XII. Provided always, that nothing in this Act shall extend, or be construed to extend, to prevent, control, or restrain, the said United Company from constituting and appointing such officers, factors, or agents, as they shall think proper and necessary, by virtue or in pursuance of any powers, rights, or privileges, granted to them by any former Act or Acts of Parliament, or by any Charter or Charters, for managing, conducting, and transacting the trade and commerce of the said Company, at and within the said Presidency of Fort William in Bengal.

The Company may appoint officers in pursuance of former Acts or Charters.

XIII. And whereas his late Majesty King George the Second did, by his Letters Patent bearing date at Westminster the 8th day of January, in the twenty-sixth year of his reign, grant unto the said United Company of Merchants of England trading to the East-Indies, his royal Charter, thereby, amongst other things, constituting and establishing Courts of Civil, Criminal, and Ecclesiastical Jurisdiction, at the said United Company's respective settlements at Madras-patam, Bombay, on the Island of Bombay, and Fort William in

His Majesty may, by Charter or Letters Patent, establish a Supreme Court of Judicature at Fort William, &c.

Bengal; which said Charter does not sufficiently provide for the due administration of justice in such manner as the state and condition of the Company's Presidency of Fort William in Bengal, so long as the said Company shall continue in the possession of the territorial acquisitions before-mentioned, do and must require; be it therefore enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, by Charter or Letters Patent under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William aforesaid, to consist of a Chief Justice and three other Judges,(1) being barristers in England or Ireland, of not less than five years standing, to be named from time to time by his Majesty, his heirs and successors; which said Supreme Court of Judicature shall have, and the same Court is hereby declared to have full power and authority to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction, and to appoint such clerks, and other ministerial officers of the said Court, with such reasonable salaries as shall be approved of by the said Governor-general and Council; and to form and establish such rules of practice, and such rules for the process of the said Court, and to do all such other things as shall be found necessary for the administration of justice, and the due execution of all or any of the powers which by the said Charter shall or may be granted and committed to the said Court; and also shall be, at all times, a Court of Record, and shall be a Court of Oyer and Terminer, and Goal Delivery, in and for the said town of Calcutta, and factory of Fort William in Bengal aforesaid, and the limits thereof, and the factories subordinate thereto.

To consist of a Chief Justice and three other Judges;

who are invested with civil, criminal, admiralty, and ecclesiastical jurisdiction, and may establish rules of practice and process.

To be a Court of Record, Oyer and Terminer, and Gaol Delivery for Calcutta and Fort William.

(1) [By the 37 Geo. 3, cap. 142, sec. 1, the Court is to consist of a Chief Justice and two Puisne Judges.]

XIV. Provided nevertheless, and be it further enacted by the authority aforesaid, that the said new Charter which his Majesty is hereinbefore empowered to grant, and the jurisdiction, powers, and authorities, to be thereby established, shall and may extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Bahar, and Orissa, or any of them, under the protection of the said United Company, and the same Charter shall be competent and effectual: and the Supreme Court of Judicature, therein and thereby to be established, shall have full power and authority to hear and determine all complaints against any of his Majesty's subjects for any crimes, misdemeanors or oppressions, committed, or to be committed; and also to entertain, hear, and determine any suits or actions whatsoever, against any of his Majesty's subjects in Bengal, Bahar, and Orissa, and any suit, action, or complaint against any person who shall, at the time when such debt, or cause of action or complaint shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the service of the said United Company, or of any of his Majesty's subjects.

Extent of the jurisdiction and power of his Majesty's Charter;

and of the Supreme Court of Judicature.

XV. Provided also, that the said Court shall not be competent to hear, try, or determine any indictment or information against the said Governor-general, or any of the said Council for the time being, for any offence (not being treason or felony) which such Governor-general, or any of the said Council, shall or may be charged with having committed in Bengal, Bahar, and Orissa.

Supreme Court not competent to hear and determine indictments or informations against the Governor-general, &c.

XVI. Provided also, and be it enacted, that the said Supreme Court shall hear and determine any suits or actions whatsoever of any of his Majesty's subjects against any inhabitant of India residing in any of the said kingdoms or provinces of Bengal, Bahar, or Orissa, or any of them, upon any contract or agreement in writing entered into by any of the said inhabitants, with any of his Majesty's said subjects, where the cause of action shall exceed the sum of five hundred current rupees; and where the said inhabitant shall have agreed in the

Limitation of actions before the said Court.

said contract, that, in case of dispute, the matter shall be heard and determined in the said Supreme Court; and all such suits or actions may be brought, in the first instance, before the said Court, or by appeal from the sentence of any of the Courts established in the said provinces, or any of them.

Suits may originate in the Supreme Court, or be brought by appeal from the provincial courts.

XVII. And it is hereby further enacted and provided, that nothing in this Act shall extend to subject the person of the Governor-general, or of any of the said Council, or Chief Justice and Judges respectively for the time being, to be arrested or imprisoned upon any action, suit, or proceeding in the said Court.

The Governor-general, Council, &c. not subject to be arrested or imprisoned under authority of Supreme Court.

XVIII. And be it further enacted by the authority aforesaid, that it shall and may be directed, in and by the said new Charter which his Majesty is hereinbefore empowered to grant, that in case any person or persons whatsoever shall think himself, herself, or themselves aggrieved by any judgment or determination of the said Supreme Court of Judicature to be established as aforesaid, he, she, or they, shall and may appeal from such judgment or determination to his Majesty in Council, his heirs or successors, within such time, in such manner, and in such cases, and on such security, as his Majesty, in his said Charter, shall judge proper nd reasonable to be appointed and prescribed.(1)

Appeal may be made to his Majesty in Council.

(1) [See 3 & 4 Wm. 4, cap. 41.]

XIX. And be it further enacted by the authority aforesaid, that so much of the said Charter, granted by his said late Majesty, as respects or relates to the establishment of the Mayor's Court at Calcutta aforesaid, in Bengal, or to the civil, criminal, or ecclesiastical jurisdiction thereof, in the said United Company's settlement there, or the subordinates thereunto belonging, in case a new Charter shall be granted by his Majesty in pursuance of this Act, and shall be openly published at Fort William aforesaid, from and immediately after such publication, shall cease, determine, and be absolutely void to all intents and purposes. * * *

So much of the Charter of George the Second as relates to Mayor's Courts (should a new Charter be granted) to be repealed.

XX. And be it further enacted by the authority aforesaid, that all the records, muniments, and proceedings whatsoever, of and belonging to the said Mayor's Court at Calcutta aforesaid, or to the Courts of Oyer and Terminer and Gaol Delivery at Fort William aforesaid, established by the said Charter of his said late Majesty, shall, from and immediately after such Court of Judicature, which his Majesty is herein-before empowered to erect, shall be established at Fort William as aforesaid, be delivered over, preserved, and deposited for safe custody in the said new Court of Judicature, to which all parties concerned shall and may resort and have recourse, upon application to the said Court.

All records and muniments belonging to the Mayor's Court at Calcutta, &c. to be delivered to and preserved in the new Court.

XXI. And be it further enacted by the authority aforesaid, that during such time as the territorial acquisitions shall remain in the possession of the said Company, the Court of Directors of the said United Company shall, and they are hereby required to direct and cause to be paid certain and established salaries to the Governor-general and to each of the Council of the said United Company's Presidency of Fort William in Bengal, and to the Chief Justice and each of the Judges of such Supreme Court of Judicature at Fort William, as shall be by the said new Charter established; that is to say, to the Governor-general (1) * * * and to each of the Council of the said United Company's Presidency of Fort William in Bengal(1), * * * * And to the Chief Justice eight thousand pounds by the year; and to each of the Judges of the said Supreme Court of Judicature at Fort William, six thousand pounds by the year, and that such salaries shall be paid and payable to each and every of them respectively for the time being, out of the said territorial acquisitions in the kingdoms of Bengal, Bahar, and Orissa.

(1) [The salaries of the Governor-general and members of the Council of India are now regulated under 3 & 4 Wm. 4, cap. 85, sec. 76.]

When salaries to commence.

XXII. And be it further enacted by the authority aforesaid, that the salaries of such Governor-general and Council, and of such Chief Justice and Judges of such Supreme Court of Judicature as aforesaid, shall take place and commence in respect to all such persons who shall be resident in Great Britain at the time of their appointment, upon, and from the day on which such person shall embark from Great Britain; (1) and that the salaries of all such persons who shall, at the time of their appointment, be resident in India, shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid, and that all such salaries to such Governor-general and Council, and of such Chief Justice and Judges, shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever, and that no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken by such Governor-general and Council, or by such Chief Justice and Judges, as aforesaid, or any of them, in any manner, or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this Act directed to be paid to them respectively.

No fees, perquisites, &c., to be received by Chief Justice and Judges.

(1) [The provision respecting the commencement of the salaries of persons resident in England at the time of appointment is repealed by 53 Geo. 3, cap. 155, sec. 89. Salaries now commence, in all cases, from entry on office. Other enactments affecting the jurisdiction, powers, and practice of the Supreme Court of Bengal, are contained in 21 Geo. 3, cap. 70; 33 Geo. 3, cap. 52; 37 Geo. 3, cap. 142; 39 & 40 Geo. 3, cap. 79; 53 Geo. 3, cap. 155; 3 & 4 Wm. 4, cap. 85; and 2 & 3 Vict. cap. 34. See also Act of Government of India, No. 7, of 1837.]

The Governor-general, Council, and Judges restricted from accepting any present.

XXIII. And be it further enacted by the authority aforesaid, that no Governor-general, or any of the Council of the said United Company's Presidency of Fort William in Bengal, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, shall, directly or indirectly, by themselves, or by any other person or persons for his or their use, or on his or their behalf, accept, receive, or take, of or from any person or persons, in any manner, or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity, or reward.

No person holding a civil or military office under the Crown, or Company, shall accept any donation or gratuity.

XXIV. And be it further enacted by the authority aforesaid, that from and after the first day of August, one thousand seven hundred and seventy-four, no person holding or exercising any civil or military office under the Crown, or the said United Company, in the East-Indies, shall accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia), any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity or reward.

Professional fees of counsellors, physicians, surgeons, and chaplains, excepted.

XXV. Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person or persons who shall carry on, or exercise the profession of a counsellor at law, a physician, or a surgeon, or being a chaplain, from accepting, taking, or receiving any fees, gratuities, or rewards, in the way of their profession.

XXX. And be it further enacted by the authority aforesaid, that no subject of his Majesty, his heirs and successors, in the East-Indies, shall, upon any contract which shall be made from and after the said first day of August, one thousand seven hundred and seventy-four, take directly, or indirectly, for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of twelve pounds for the forbearance of one hundred pounds for a year; and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all bonds, contracts, and assurances whatsoever, made after the time aforesaid, for payment of any principal or money to be lent or covenanted to be performed upon, or for any usury whereupon or whereby there shall be reserved or taken above the rate of twelve pounds in the hundred, as aforesaid, shall be utterly void; and all and every such person or persons whatsoever who shall, after the time aforesaid, upon any contract to be made after the first day of August, one thousand seven hundred and seventy-four, take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, shift, or interest of any wares, merchandizes, or other thing or things whatsoever, or by any deceitful way or mean, or by any covin, engine, or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of and for their money or other thing, above the sum of twelve pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter term, shall forfeit and lose, for every such offence, treble the value of the monies, wares, merchandizes, and other things so lent, bargained, exchanged, or shifted, with costs of suit, one moiety whereof shall be to the said United Company, and the other moiety to him or them who will sue for the same in the said Supreme Court of Judicature at Fort William in Calcutta, or in the Mayor's Court in any other of the said United Company's settlements where such offence shall have been committed, by action of debt, bill, plaint, or information, in which no essoin, wager of law, or protection, shall be allowed; and in case no such action, bill, plaint, or information, shall have been brought and prosecuted with effect within three years, that then it shall and may be lawful to and for the party aggrieved to sue and prosecute for recovery of all sums of money paid over and above such rate of interest.

No person shall take on loan of monies above the rate of twelve per cent. per annum.

Persons by covin accepting higher rate, &c. shall forfeit for every offence treble the value of loans, &c.;

one moiety to go to the Company, and the other to the prosecutor.

XXXI. And be it further enacted, that no informer or plaintiff shall or may compound or agree with any person or persons that shall offend, or shall be surmised to offend, against this Act, for any offence committed, or pretended to be committed, before answer made in the said Supreme Court, unto the information or suit in that behalf exhibited or prosecuted, nor after answer, but by the order or consent of the said Court, on pain that if any person or persons shall offend in making of any composition or agreement, contrary to the true intent and meaning of this Act, or shall, by colour or pretence of process, or without process, upon colour or pretence of any matter of offence against this Act, make any composition, or take any money, reward, or promise of reward, for himself, or to the use of any other, without order or consent of the said Court; that then he or they so offending, being thereof lawfully convicted, shall, for every such offence, be liable to be fined and imprisoned, at the discretion of the said Court.

Persons making compositions contrary to the meaning of the Act,

liable to be imprisoned at the discretion of the Court.

XXXIII. And be it further enacted by the authority aforesaid, that from and after the said first day of August, one thousand seven hundred and seventy-four, if any of his Majesty's subjects in India, employed by, or in the actual service of, the said United Company, shall be charged with and prosecuted for any breach of public trust, or for embezzlement of public money or stores, or for defrauding the said United Company; every such offender, being convicted thereof in the said Supreme Court of Judicature, or in any Court of Judicature in any other Presidency or Settlement in India, may be fined and imprisoned, and adjudged to be for ever after incapable of serving the said United Company, at the discretion of the Court

Servants of the Company prosecuted for breaches of trust, on conviction, to be fined and imprisoned at the discretion of the Court.

before which he shall be tried; and immediately after the sentence of such Court shall have been executed and inflicted, shall and may be sent over to England, by such order, and in such manner, as is hereinbefore mentioned and directed, unless he shall remove himself within twelve months, and in the mean time give sufficient security so to do.

Offences to be tried by a jury of British subjects.

XXXIV. And be it further enacted by the authority aforesaid, that all offences and misdemeanors which shall be laid, tried, and inquired of in the said Supreme Court, shall be tried by a jury of British subjects resident in the town of Calcutta, and not otherwise. (1)

(1) [By 7 Geo. 4, all sufficient persons, not being subjects of a foreign state, were, with certain exceptions, made eligible to serve on juries, subject to rules of Court to be approved of by the Crown. By 2 & 3 Wm. 4, cap. 117, sec. 2, the exceptions were abolished.]

The Directors may not compound or discharge sentences of the Supreme or any other Court of Justice,

XXXV. And be it further enacted by the authority aforesaid, that after any judgment of the said Supreme Court of Judicature, or of any Court of Judicature at any of the said United Company's Settlements, against any of the said United Company's servants, civil or military, for any debt or penalty, due or belonging to the said United Company, shall be made known to the Court of Directors for the time being of the said United Company, it shall not be lawful to release or compound such sentence or judgment, or to release, discharge, or put a stop to any prosecution, suit, or action, commenced or to be commenced, for carrying on any illicit trade, or for any debt or penalty due to the said United Company, or to restore any servant or servants whatever of the said Company, who shall have been removed or dismissed from his or their office or employment, for or upon account of any misbehaviour, without the consent of three parts in four of the said Court of Directors, to be taken by ballot, and also the consent of three parts in four in number of the proprietors of the said United Company, who shall be present, and give their votes by ballot, to be taken at a General Court to be specially called for that purpose, and of which fourteen days public notice, at the least, shall be given before the holding the same, and of the particular occasion for which such General Court shall be called. (1)

nor restore persons dismissed, without consent of three parts in four of Directors, and the like majority of Proprietors in a General Court.

(1) [By 33 Geo. 3, cap. 52, sec. 69, all powers of release, and of restoring servants dismissed *by sentence of Courts of Law* is taken away.]

Governor-general and Council may make such regulations as may appear just.

XXXVI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor-general and Council of the said United Company's Settlement at Fort William in Bengal, from time to time, to make and issue such rules, ordinances, and regulations, for the good order and civil government of the said United Company's Settlement at Fort William aforesaid, and other factories and places subordinate, or to be subordinate thereto, as shall be deemed just and reasonable (such rules, ordinances, and regulations, not being repugnant to the laws of the realm), and to set, impose, inflict, and levy, reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations.

The remainder of the section relates to the registration of laws in the Supreme Court which, under section 45 of 3 & 4 Wm. 4, cap. 85, is no longer necessary.

XXXVIII. And be it further enacted by the authority aforesaid, that the Governor-general and Council for the time being of the said United Company's settlement at Fort William aforesaid, and the Chief Justice and other Judges of the said Supreme Court of Judicature, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as Justices of the Peace for the said settlement, and for the several settlements and factories subordinate thereto; and to do and transact all matters and things which to the office of a Justice or Justices of the Peace do belong and appertain; and for that purpose the said Governor-general and Council are hereby authorized and empowered to hold Quarter Sessions within the said settlement of Fort William aforesaid, four times in every year, and the same shall be at all times a Court of Record.

Governor-general and Council, Chief Justice, and other Judges to act as Justices of Peace.

XXXIX. And be it further enacted by the authority aforesaid, that if any Governor-general, President, or Governor, or Council of any of the said Company's principal or other settlements in India, or the Chief Justice or any of the Judges of the said Supreme Court of Judicature, to be by the said new Charter established, or of any other Court in any of the said United Company's settlements, or any other person or persons who now are, or heretofore have been employed by or in the service of the said United Company, in any civil or military station, office, or capacity, or who have or claim, or heretofore have had or claimed, any power or authority, or jurisdiction, by or from the said United Company, or any of his Majesty's subjects residing in India, shall commit any offence against this Act, or shall have been, or shall be, guilty of any crime, misdemeanor, or offence, committed against any of his Majesty's subjects, or any of the inhabitants of India, within their respective jurisdictions, all such crimes, offences, and misdemeanors, may be respectively inquired of, heard, tried, and determined in his Majesty's Court of King's Bench, and all such persons so offending, and not having been before tried for the same offence in India, shall, on conviction, in any such case as is not otherwise specially provided for by this Act, be liable to such fine or corporal punishment as the said Court shall think fit; and moreover shall be liable, at the discretion of the said Court, to be adjudged to be incapable of serving the said United Company in any office, civil or military; and all and every such crimes, offences, and misdemeanors, as aforesaid, may be alleged to be committed, and may be laid, inquired of, and tried in the county of Middlesex.

If the Governor-general, President, &c. commit offences, the same may be tried and determined in the Court of King's Bench.

XL. And whereas the provisions made by former laws (1) for the hearing and determining in England offences committed in India have been found ineffectual, by reason of the difficulty of proving in this kingdom matters done there: be it further enacted by the authority aforesaid, that in all cases of indictments or informations, laid or exhibited in the said Court of King's Bench, for misdemeanors or offences committed in India, it shall and may be lawful for his Majesty's said Court, upon motion to be made on behalf of the prosecutor, or of the defendant or defendants, to award a writ or writs of mandamus, requiring the Chief Justice and Judges of the said Supreme Court of Judicature for the time being, or the Judges of the Mayor's Court at Madras, Bombay, or Bencoolen(2) as the case may require, who are hereby respectively authorized and required accordingly to hold a Court with all convenient speed, for the examination of witnesses, and receiving other proofs concerning the matters charged n such indictments or informations respectively; and in the mean time, to cause such public notice to be given of the holding of the said Court, and to issue such summons or other process, as may be requisite for the attendance of witnesses, and of the agents or council, of all, or any of the parties respectively, and to adjourn from time to time, as occasion may require; and such examination as aforesaid shall be then and there openly and publicly taken *viva voce* in the said Court, upon the respective oaths of witnesses, and the oaths of skilful inter-

Manner of procedure in cases of indictments and informations laid in the King's Bench.

preters, administered according to the forms of their several religions; and shall, by some sworn officer of such Court, be reduced into one or more writing or writings on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the Judges of the said Court, and one or more of the said Judges shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in Court of his Majesty's Court of King's Bench, in the public office, and make oath that he received the same from the hands of one or more of the Judges of such Court in India (or if such agent be dead, in what manner the same came into his hands); and that the same has not been opened, or altered, since he so received it (which said oath such clerk in Court is hereby authorized and requred to administer); and such depositions, being duly taken and returned, according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witness had been present and sworn and examined *viva voce* at any trial for such crimes or misdemeanors, as aforesaid, in his Majesty's said Court of King's Bench, any law or usage to the contrary notwithstanding; and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges.

(1) [10 Geo. 3, cap 47, sec. 4, *et seq.*]

(2) [Bencoolen was ceded to the King of the Netherlands by treaty, dated the 17th March 1824. The Mayor's Courts at Madras and Bombay have been abolished, and their places supplied, first, by Recorder's Courts, and subsequently by Supreme Courts of Judicature resembling in their constitutions and functions that of Fort William, and exercising within their respective bounds of jurisdiction the same powers under the same limitations. See 37 Geo. 3, cap. 142; 39 & 40 Geo. 3, cap. 79; and 4 Geo.4, cap. 71.]

Court of King's Bench may take cognizance of offences against this Act committed by the Chief Justice or Judges.

XLI. And be it further enacted by the authority aforesaid, that in case the said Chief Justice, or Judges, of the said Supreme Court of Judicature, or any of them, for the time being, shall commit any offence against this Act, or be guilty of any corrupt practice, or other crime, offence, or misdemeanor, in the execution of their respective offices, it shall and may be lawful for his Majesty's said Court of King's Bench in England, upon an information or indictment laid or exhibited in the said Conrt for such crime, offence, or misdemeanor, upon motion to be made in the said Court, to award such writ or writs of mandamus, as aforesaid, requiring the Governor-general and Council of the said United Company's settlement at Fort William aforesaid, who are hereby respectively authorized and required accordingly to assemble themselves in a reasonable time, and to cause all such proceedings to be had and made as are hereinbefore respectively directed and prescribed concerning the examination of witnesses; and such examination, so taken, shall be returned and proceeded upon in the same manner, in all respects, as if the several directions hereinbefore prescribed and enacted in that behalf were again repeated. (1)

(1) [*Vide* 26 Geo. 3, cap. 57, sec. 25, & 42 Geo. 3, cap. 85.]

XLII. And be it further enacted by the authority aforesaid, that in all cases of proceedings in Parliament, touching any offences against this Act, or any other offences committed in India, it shall and may be lawful for the Lord High Chancellor, or Speaker of the House of Lords, and also the Speaker of the House of Commons for the time being, in like manner, to issue his or their warrant or warrants to the Governor-general and Council of the said United Company's presidency at Fort William, and to the Chief Justice and Judges of the said Supreme Court of Judicature, or the Judges of the Mayor's Court at Madras, Bombay, or Beencoolen(1), as the case may require, for the examination of witnesses; and such examination shall be returned to the said Lord High Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons respectively, and proceeded upon in the same manner, in all respects, as if the several directions hereinbefore prescribed and enacted in that behalf were again particularly repeated; and every such examination, returned either to the Lord Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons, as aforesaid, shall be deemed good and competent evidence, and shall be allowed and read in both Houses of Parliament, or either of them respectively, as occasion may require; any law or usage to the contrary notwithstanding.

The Chancellor or Speaker of the House of Commons, may issue warrants for the examination of witnesses in India, which shall be deemed competent evidence to both the Houses of Parliament.

(1) [See note (2) on sec. 40.]

XLIII. And whereas by the usage and custom of Parliament, no proceedings by Bill in Parliament have continuance from one session to another: and whereas it would be impracticable that the examination taken upon such warrant, as aforesaid, could ever be returned within the ordinary length of a Session of Parliament: be it enacted by the authority aforesaid, that, from and after the first day of November, one thousand seven hundred and seventy-three, no proceedings in Parliament touching any offence committed, or to be committed in India, wherein such warrant as aforesaid shall have been issued, shall be discontinued by any prorogation or dissolution of the Parliament, but that such proceedings may be resumed and proceeded upon in a subsequent Session, or in a subsequent Parliament, in either House of Parliament, in like manner, to all intents and purposes, as they might have been in the course of one and the same Session; any law, usage, or custom to the contrary notwithstanding.

No proceedings in Parliament, touching offences in India, to be discontinued by any prorogation.

XLIV. And whereas his Majesty's subjects are liable to be defeated of their several rights, titles, debts, dues, demands, or suits, for which they have cause arising in India against other subjects of his Majesty: now, for preventing such failure of justice, be it further enacted by the authority aforesaid, that when and as often as the said United Company, or any person or persons whatsoever, shall commence and prosecute any action or suit, in law or equity, for which cause hath arisen, or shall hereafter arise, in India, against any other person or persons whatever, in any of his Majesty's Courts at Westminster, it shall and may be lawful for such Court respectively, upon motion there to be made, to provide and award such writ or writs, in the nature of a *mandamus*, or commission, as aforesaid, to the Chief Justice and Judges of the said Supreme Court of Judicature for the time being, or the Judges of the Mayor's Court at Madras, Bombay, or Bencoolen(1), as the case may require, for the examination of witnesses, as aforesaid; and such examination, being duly returned, shall be allowed and read, and shall be deemed good and competent evidence, at any trial or hearing between the parties in such cause or action, in the same manner, in all respects, as if the several directions hereinbefore prescribed and enacted in that behalf were again repeated.

Writs of *mandamus* may be awarded by the Courts at Westminster, when the Company commence suits in law or equity there.

(1) [See note (2) on sec. 40.]

No depositions returned to be allowed as evidence in cases not proceeded against in Parliament.

XLV. Provided nevertheless, and be it enacted, that no such depositions, taken and returned as aforesaid by virtue of this Act, shall be allowed or permitted to be given in evidence in any capital cases, other than such as shall be proceeded against in Parliament; anything in this Act contained to the contrary notwithstanding.

The privileges of the Company, not hereby varied, shall remain in force.

XLVI. And be it further enacted by the authority aforesaid, that all and every the rights, interests, powers, privileges, and authorities, which are now vested in the said United Company of Merchants trading to the East-Indies, and which are not hereby expressly taken away, altered, or varied, shall remain to, and continue in the said Company, in as full and ample a manner, to all intents and purposes whatsoever, as if this Act had never been made.

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13 GEORGII III. Cap. LXIV.

An Act *for granting to his Majesty a Sum of Money to be raised by Exchequer Bills; and to be advanced and applied in the manner, and upon the Terms therein mentioned, for the Relief of the United Company of Merchants of England trading to the East-Indies.*

This Act contains various provisions relating to the appropriation of the revenues of India, and the reduction of the liabilities of the Company; the more material of which are adverted to in the notes on 9 & 10 Wm. 3, cap. 44, & on 34 Geo. 3, cap. 41.

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17 GEORGII III. Cap. VIII.

An Act *to amend so much of an Act made in the Thirteenth Year of the Reign of his present Majesty, (intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe"), as relates to the Day on which the annual Election of Directors of the said Company is to be made.*

Preamble.
13 G. 3, c. 63, recited.

Whereas by an Act made in the thirteenth year of the reign of his present Majesty, (intituled, " An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe"), it is among other things enacted, that at the then next ensuing general election of Directors of the said United Company, instead of an election of twenty-four Directors to serve for the space of one year only, there should be chosen, in such manner and order as the Directors of the said United Company for the time being should appoint, six Directors expressly for the term of one year, and six other Directors for the term of two years, and six other Directors for the term of three years, and the remaining six Directors for the term of four years, and not otherwise; and from thenceforth yearly and every year, and at the expiration of each and every of the said terms respectively, six new Directors, and no more, should be chosen, from time to time, in the place of such Directors whose term should have expired, and who were thereby declared incapable of being then re-chosen; and at every subsequent election, during the continuance of the Charter of the said United Company, six new Directors should be chosen, and should

continue to be Directors for the term of four years, and no longer, to be accounted from the day on which the election of such Directors was respectively made; and in case the office and authority of any such Director should become void, by death, removal, or otherwise, another should be chosen, from time to time, in his place, to serve as a Director during the remainder of such term for which the person whose office should have become void was chosen, and no longer; and whereas the first general election of Directors of the said United Company, after the passing the said recited Act, was made on the thirteenth day of April, which was in the year of our Lord one thousand seven hundred and seventy-four, at which time six Directors were chosen for the term of one year, six other Directors for the term of two years, six other Directors for the term of three years, and six other Directors for the term of four years, according to the directions of the said recited Act; and afterwards on the thirteenth day of April, which was in the year of our Lord one thousand seven hundred and seventy-five, six other Directors were chosen for the term of four years, in the room of those Directors who were elected for one year, as aforesaid; and on the thirteenth day of April one thousand seven hundred and seventy-six, six other Directors were chosen for the term of four years, in the room of those Directors who were elected for two years, as aforesaid: and whereas there is not any provision in the said Act, for the making an election of Directors of the said United Company at any other time than on the exact day when the term of the former elections expire: and whereas the day of election of Directors in the year one thousand seven hundred and seventy-seven, according to the said recited Act, will happen on Sunday, the thirteenth day of April, one thousand seven hundred and seventy-seven; but it is highly improper that such an election should be made on a Sunday, and it is expedient that the like impropriety should be prevented in future; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that instead of the said general election of six Directors of the said United Company, in the said year one thousand seven hundred and seventy-seven, for the term of four years, being made on Sunday, the said thirteenth day of April, one thousand seven hundred and seventy-seven, the same election shall be made on Wednesday, the sixteenth day of the same month of April; and in respect to all future annual elections of Directors of the said United Company, instead of the same being made on the exact day of the expiration of the term for which the former Directors were elected, in pursuance of the said recited Act, such future annual general elections of Directors of the said United Company shall be made on the second Wednesday in the month of April in every year.

General election of Directors for 1777, to be on Wednesday April 16;

and all future annual elections on the second Wednesday in April.

II. And be it further enacted by the authority aforesaid, that the term of three years, for which six Directors of the said Company were elected, in the said year one thousand seven hundred and seventy-four, and which will expire on the thirteenth day of April, one thousand seven hundred and seventy-seven, shall be enlarged; and such Directors so elected for the term of three years, shall continue Directors of the said United Company until the said sixteenth day of April, one thousand seven hundred and seventy-seven, and during the whole of that day; and in respect to the said Directors elected in the said years, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, and one thousand seven hundred and seventy-six, for the respective terms of four years; and as to all future Directors of the said United Company to be elected for the term of four years, in case the said respective terms of four years shall happen to expire before the second Wednesday in the month of April, in that year in which the said respective terms of four years shall expire, yet such Directors shall continue to be Directors of the said Company until the second Wednesday in the month of April in which the said respective terms of four years shall end, and during the whole of that

Clause relating to the determination of the terms for which the Directors are elected.

day, and in case the said respective terms of four years shall not have fully run out on the said second Wednesday of the said month of April, in any subsequent year, in which the said terms shall respectively expire; in such case the same terms respectively shall end and expire at the end of the day on the said second Wednesday in the said month of April in such year in which the said respective terms of four years shall end and expire, in the same manner as if the whole term of four years was fully run out; any thing in the said recited Act of Parliament contained to the contrary in any wise notwithstanding.

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17 GEORGII III. Cap. L.

An Act *for granting to his Majesty certain Duties on Licences, to be taken out by all Persons acting as Auctioneers; and certain Rates and Duties on all Lands, Houses, Goods, and other things sold by Auction; and upon Indentures, Leases, Bonds, Deeds, and other Instruments.*

This Act, which was the first requiring auctioneers to take out a licence and imposing a duty upon goods sold by auction, contains the following provision:—

Certain cases to which this Act shall not extend.

XI. Provided also, and it is hereby further enacted, that nothing in this Act contained shall extend to any sale or sales by way of auction of estates or chattels, made by any rule, or order, or decree, of his Majesty's Court of Chancery, or of Exchequer, in England, before the Masters in Chancery, or the Deputy Remembrancer of the said Court of Exchequer; or by any order or decree of the Courts of Session or Exchequer in Scotland respectively; or at any such sales made by the East-India Company, or the Hudson's Bay Company, or by order of his Majesty's Commissioners for the duty of Customs or of Excise, or by order of the Board of Ordnance, or Commissioners of the Navy and Victualling, or any such sales of estates or chattels, made by the Sheriff in execution of judgments, or of goods distrained for rent, or for nonpayment of tithes, or of goods and effects of bankrupts, sold by order of the assignees, under a commission of bankruptcy, any thing herein contained to the contrary notwithstanding.

Two years after its passing, the Act was modified by another, the title of which follows:—

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19 GEORGII III Cap. LVI.

An Act *for altering, amending, and enforcing, so much of an Act, made in the seventeenth Year of the Reign of his present Majesty, intituled "An Act for "granting to his Majesty certain Duties on Licences to be taken out by all Per- "sons acting as Auctioneers; and certain Rates and Duties on all Lands, "Houses, Goods, and other things sold by Auction; and upon Indentures, Leases, "Bonds, Deeds, and other Instruments," as relates to the method of granting Licences to Auctioneers, and to the collecting the Duties on Estates and Goods sold by Auction.*

This Act contains the provision following:—

Certain auctions to which this Act shall not extend.

XIII. Provided always, and it is hereby further enacted by the a thority aforesaid, that nothing in this Act contained shall extend to any sale or sales, by wa of auction, of estates or

chattels, made by any rule, order, or decree, of his Majesty's Court of Chancery, or of Exchequer in England, before the Master in Chancery, or the Deputy Remembrancer of the said Court of Exchequer; or by any order or decree of the Courts of Great Sessions in Wales, or by any order or decree of the Court of Session or Exchequer in Scotland respectively; or to any such sales made by the East-India Company, or the Hudson's Bay Company; or by order of his Majesty's Commissioners for the duties of Customs or Excise; or by order of the Board of Ordnance, or Commissioners of the Navy or Victualling Offices; nor to the sale by auction of any goods distrained for rent, or for nonpayment of tithes; anything hereinbefore to the contrary notwithstanding.

For continuation of exemptions, *vide* 43 Geo. 3, cap. 69, and 45 Geo. 3, cap. 30.

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19 GEORGII III. Cap. LXI.

An Act *for continuing in the Possession of the United Company of Merchants of England trading to the East-Indies, for a limited Time, and under certain Conditions, the territorial Acquisitions and Revenues lately obtained in the East-Indies; and for continuing for a limited time so much of an Act, made in the thirteenth Year of the Reign of his present Majesty, intituled "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," as will expire in the course of the present Year.*

Whereas by an Act, passed in the thirteenth year of the reign of his present Majesty, intituled "An Act for granting to his Majesty a Sum of Money, to be raised by Exchequer Bills; and to be advanced and applied in the Manner, and upon the Terms, therein mentioned, for the Relief of the United Company of Merchants of England trading to the East-Indies;" it was directed that the Commissioners of his Majesty's Treasury, or the Lord High Treasurer for the time being, should cause to be prepared and made any number of Exchequer bills, not exceeding in the whole the amount of one million four hundred thousand pounds, to be lent, advanced, and issued, as in the said Act was directed, for the relief of the United Company of Merchants of England trading to the East-Indies; and whereas by the said Act it was declared, that, in the then circumstances of the East-India Company, it would not be in their power to provide for the repayment of the loan aforesaid, and for establishing their affairs upon a more secure foundation for the time to come, unless the public should agree to forego, for the then present time, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the East-Indies; and therefore it was by the said Act enacted, that until the aforesaid sum of one million four hundred thousand pounds should be repaid, and the bond debt of the Company be reduced to the sum of one million five hundred thousand pounds, the whole clear profits arising from the aforesaid territorial acquisitions and revenues, after defraying the charges and expenses attending the same, together with all the clear revenue and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges, and expenses of the said Company, should from time to time, be disposed of and applied in the manner as in the said Act was directed; (that is to say), until the aforesaid sum of one million four hundred thousand pounds should be repaid, and so long as the said sum or any part thereof, should remain unpaid, there should, in the first place, be

Preamble.

Recital of 13 G. 3, c. 64.

set apart and applied, out of the said clear revenues and profits, such a sum as might be sufficient for answering a dividend to the proprietors of the stock of the said Company, not exceeding the rate of six pounds per centum per annum upon the capital stock of the said Company; and all the surplus of the said clear yearly revenues and profits should be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as should be remaining unpaid, and for defraying the charges incurred in respect thereof; and after the repayment of the whole of the money so advanced and applied as aforesaid, and until the bond debt of the said Company should be reduced to the sum of one million five hundred thousand pounds, there should in like manner be set apart and applied, in the first place, out of the said clear revenues and profits such sum as might be sufficient for answering a dividend, not exceeding the rate of seven pounds per centum per annum upon the capital stock of the said Company; after which all the surplus of the said clear revenues and profits should be applied in reducing the bond debt of the said Company: And whereas the said sum of one million four hundred thousand pounds has been repaid, and fully discharged, and all the charges incurred in respect thereof have been defrayed, and the bond debt of the said Company has been reduced to, or under, the sum of one million five hundred thousand pounds, whereby the circumstances, in consideration whereof it was in the aforesaid Act declared that the public should agree to forego, for the then present time, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the East-Indies, have ceased and are determined; but whereas notwithstanding it may be expedient that the aforesaid territorial acquisitions and revenues should, for a limited time, and under certain conditions and restrictions, remain in the possession of the United Company of Merchants of England trading to the East-Indies: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all the territorial acquisitions and revenues lately obtained in the East-Indies, shall remain in the possession of the United Company of Merchants of England trading to the East-Indies, and their successors, for and during the term of one year, to be computed from the fifth day of April, in the year of our Lord one thousand seven hundred and seventy-nine. (1)

Recital of the debt of £1,400,000 being discharged, and the bond debt reduced to £1,500,000.

All the territorial acquisitions and revenues lately obtained in the East-Indies to remain in possession of the Company till April 5, 1780.

(1) [In regard to the Bond Debt, see note on 34 Geo. 3, cap. 41, and for the continuance of the Company's possession of the territory and government of India, see note on the section last quoted in the extracts from 9 & 10 Wm. 3, cap. 44. These references apply also to the first section of the Act which immediately follows (20 Geo. 3, cap. 56).]

This Act not to affect the rights of the Crown, or of the Company, after the expiration thereof.

VI. Provided always nevertheless, and be it enacted, that nothing in this Act contained shall extend, or be construed to extend, to affect the rights of the Crown, or of the said Company, after the expiration of this Act; but that the same shall remain, continue, and be in the same state and condition, in all respects, as though this Act had never been made.

20 GEORGII III. Cap. LVI.

An Act *for continuing in the Possession of the United Company of Merchants of England trading to the East-Indies, for a further Time, and under certain Conditions, the territorial Acquisitions and Revenues lately obtained in the East-Indies; and for reviving, and continuing for a further Time, so much of an Act, made in the thirteenth Year of the Reign of his present Majesty, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," as hath expired in the course of the present Year; and for indemnifying the said Company for any Money they have paid, or may pay, in or about the building of three Ships of the Line for the Service of the Public.*

Preamble.

Recital of 13 G. 3. c. 64.

Whereas by an Act, passed in the thirteenth year of the reign of his present Majesty, intituled "An Act for granting to his Majesty a sum of Money, to be raised by Exchequer Bills, and to be advanced and applied, in the manner, and upon the terms, therein-mentioned for the Relief of the United Company of Merchants of England trading to the East-Indies," it was directed, that the Commissioners of his Majesty's Treasury, or the Lord High Treasurer for the time being, should cause to be prepared and made any number of Exchequer bills, not exceeding in the whole the amount of one million four hundred thousand pounds, to be lent, advanced, and issued, as in the said Act was directed, for the relief of the United Company of Merchants of England trading to the East-Indies: And whereas by the said Act it was declared, that in the then circumstances of the East-India Company, it would not be in their power to provide for the repayment of the loan aforesaid, and for establishing their affairs upon a more secure foundation for the time to come, unless the public should agree to forego, for the then present time, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the East-Indies; and therefore it was by the said Act enacted, that, until the aforesaid sum of one million four hundred thousand pounds should be repaid, and the bond debt of the Company be reduced to the sum of one million five hundred thousand pounds, the whole clear profits arising from the aforesaid territorial acquisitions and revenues, after defraying the charges attending the same, together with all the clear revenue and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges, and expenses, of the said Company, should, from time to time, be disposed of, and applied in the manner as in the said Act was directed; that is to say, until the aforesaid sum of one million four hundred thousand pounds should be repaid, and so long as the said sum, or any part thereof, should remain unpaid, there should, in the first place, be set apart and applied, out of the said clear revenues and profits, such a sum as might be sufficient for answering a dividend to the proprietors of the stock of the said Company, not exceeding the rate of six pounds per centum per annum upon the capital stock of the said Company; and all the surplus of the said clear revenues and profits should be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as should be remaining unpaid, and for defraying the charges incurred in respect thereof; and after the repayment of the whole of the money so advanced and applied as aforesaid, and until the bond debt of the said Company should be reduced to the sum of one million five hundred thousand pounds, there should in like manner be set apart and applied,

in the first place, out of the said clear revenues and profits, such sum as might be sufficient for answering a dividend not exceeding the rate of seven pounds per centum per annum, upon the capital stock of the said Company; after which all the surplus of the said clear revenues and profits should be applied in reducing the bond debt of the said Company: And whereas the said sum of one million four hundred thousand pounds has been repaid and fully discharged, and all the charges incurred in respect thereof have been defrayed, and the bond debt of the said Company has been reduced to, or under, the sum of one million five hundred thousand pounds, whereby the circumstances, in consideration whereof it was in the aforesaid Act declared, that the public should agree to forego, for the then present time, all participation in the profit arising from the territorial acquisitions and revenues lately obtained in the East-Indies, have ceased and are determined; but whereas, notwithstanding, it may be expedient that the aforesaid territorial acquisitions and revenues should, for a limited time, and under certain conditions and restrictions, remain in the possession of the United Company of Merchants of England trading to the East-Indies: May it, therefore, please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all the territorial acquisitions and revenues lately obtained in the East-Indies, shall remain in the possession of the United Company of Merchants of England trading to the East-Indies, and their successors, for and during the term of one year, to be computed from the fifth day of April, in the year of our Lord, one thousand seven hundred and eighty.

The loan of 1773 repaid by the Company to the public, and the bond debt reduced to £1,500,000.

All the territorial acquisitions and revenues lately obtained in the East-Indies, to remain in possession of the Company till April 5, 1781.

This Act not to affect the rights of the Crown, or of the Company, after the expiration thereof.

VI. Provided always nevertheless, and be it enacted, that nothing in this Act contained shall extend, or be construed to extend, to affect the rights of the Crown, or of the said Company, after the expiration of this Act; but that the same shall remain, continue, and be, in the same state and condition, in all respects, as though this Act had never been made.

21 GEORGII III. Cap. LXV.

An Act *for establishing an Agreement with the United Company of Merchants of England trading to the East-Indies, for the payment of the sum of four hundred thousand pounds for the use of the Public, in full discharge and satisfaction of all claims and demands of the Public from the time the Bond Debt of the said Company was reduced to one million five hundred thousand pounds, until the first day of March, one thousand seven hundred and eighty one, in respect of the territorial acquisitions and revenues lately obtained in the East-Indies; and also for securing to the Public in respect thereof, for a term therein mentioned, a certain part or proportion of the clear revenues and profits of the said Company; and for granting to the said Company, for a further term, the sole and exclusive Trade to and from the East-Indies, and limits therein mentioned; and for establishing certain Regulations for the better management of the Affairs of the said Company, as well in India as in Europe, and the recruiting the Military Forces of the said Company.*

The preamble of this Act recites, among other matters, that the reduction of the bond debt prescribed by 13 Geo. 3, cap. 64, had been effected. See note on 34 Geo. 3, cap. 41.

The Company to enjoy all the profits, privileges, &c. granted by former Acts or Charters.

IV. And moreover it is hereby enacted by the authority aforesaid, that the said United Company of Merchants of England trading to the East-Indies shall, at all times hereafter for ever, subject as aforesaid, have, hold, and enjoy, and be entitled unto, all and every, the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, and all penalties and forfeitures, and disabilities, provisions, matters, and things whatsoever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon, or by any clause or clauses in the said Acts or Charters contained, are enacted, given, granted, provided, inflicted, limited, established, or declared to, for, touching or concerning the said Company, or body politic and corporate, either by the name of The General Society, entitled to the advantages given by an Act of Parliament for advancing a sum not exceeding two millions, for the service of the Crown of England, or the said body politic and corporate, called by the name of the English Company trading to the East-Indies, or the said body politic and corporate, now called by the name of the United Company of Merchants of England trading to the East-Indies, and not by this Act altered, or intended to be altered, according to the tenor and true meaning of the said Acts and Charters, freed and discharged from all provisoes and conditions of redemption and determination therein contained; and the same, and every of them, are hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised, and put in execution, by the said United Company of Merchants of England trading to the East-Indies, and their successors, for the better and more effectual settling and securing to them and their successors, the whole, sole, and exclusive trade to the East-Indies, and parts aforesaid; and for the preventing all other his Majesty's subjects trading thither, and for securing also their possessions, estate, and effects, and governing their affairs and business, in all respects as fully and effectually as if the same profits, benefits, advantages, trade, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters and things, were severally repeated, and at large re-enacted in the body of this Act; subject nevertheless to such restrictions, covenants, and agreements, as are contained in the said Acts and Letters Patent now in force, and not herein or hereby varied or altered, and subject also to the proviso herein-after mentioned.(1)

and not altered by this Act.

(1) [Modified by 53 Geo. 3, c. 155, which opened the trade to India, and 3 & 4 Wm. 4, c. 85, which opened the China trade, and suspended altogether the commercial operations of the Company during their retention of the Government of India.]

The territorial acquisitions to remain in the possession of the Company.

VIII. And be it further enacted by the authority aforesaid, that all the territorial acquisitions and revenues lately obtained in the East-Indies shall remain in the possession of the United Company of Merchants of England trading to the East-Indies, for and during the term of the exclusive trade granted to the said United Company.(1)

(1) [By section 5 of this Act the exclusive trade was to terminate upon three years' notice after the 1st of March 1791, and repayment of money due to the Company. For further extension of period of Government, *vide* note at the end of the extracts from 9 & 10 Wm. 3, cap. 44.]

Reservation of the rights of the Company.

XXV. And be it further enacted by the authority aforesaid, that all and every the rights, interest, powers, privileges, and authorities, which are now vested in the said United Company of Merchants of England trading to the East-Indies, and which are not hereby expressly taken away, altered, or varied, shall remain to, and continue in the said Company, in as full and ample a manner, to all intents and purposes whatsoever, as if this Act had never been made.

Regulations relative to raising recruits for the Company's service in India.

XXXII. And whereas it is necessary for the said United Company to keep and maintain a military force in the East-Indies, and the present method of obtaining recruits to keep up the same hath been found very inconvenient and defective; be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for the said United Company, by licence from his Majesty for that purpose, from time to time to enlist such number of men, being his Majesty's subjects, and of such ages, and for such time, as shall be expressed in such licence, to serve them as soldiers in the East-Indies, and to deposit and keep such men, not exceeding two thousand at any one time in time of war, and one thousand at any time in time of peace, at such place or places, in any part of his Majesty's dominions in Europe, as shall be approved of for that purpose by his Majesty, until they can be sent to India; and in case any person or persons so enlisting and engaging, after he shall have signed an agreement for that purpose, and shall have declared before a magistrate, at the distance of twenty-four hours at the least after his first enlisting, that he freely and voluntarily signed such agreement, and is willing to go and serve the said United Company as a soldier in the East-Indies, shall desert from the place appointed for him to reside at till the time of his embarkation to go to the East-Indies, or shall refuse to perform his agreement, it shall be lawful for any person or persons to apprehend such person or persons, and convey him before a magistrate; and it shall be lawful for such magistrate, on proof of the case, to commit such person or persons to gaol, there to be kept in safe custody, and maintained at the expense of the said United Company, until such person can be sent to India; and it shall be lawful for the said United Company to cause such person or persons to be conveyed in custody on shipboard, to be carried to the East-Indies, in such service as aforesaid. (1)

Deserters may be committed.

(1) [*Vide* 39 Geo. 3, cap. 109: 50 Geo. 3, cap. 87; 57 Geo. 3, cap. 57; 3 & 4 Vict. cap. 6; and 3 & 4 Vict. cap. 37.]

Claims to the territorial acquisitions not affected.

XXXIX. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to prejudice or affect the rights or claims of the public, or the said United Company, respecting the territorial acquisitions and revenues.

21 GEORGII III. Cap. LXX.

An Act *to explain and amend so much of an Act, made in the Thirteenth Year of the Reign of his present Majesty, intituled "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India-Company, as well in India as in Europe," as relates to the administration of Justice in Bengal; and for the Relief of certain Persons imprisoned at Calcutta in Bengal, under a Judgment of the Supreme Court of Judicature; and also for indemnifying the Governor-general and Council of Bengal, and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court.*

Preamble.

Recital of 13 G. 3, c. 63.

Whereas, in virtue of an Act passed in the thirteenth year of his present Majesty's reign, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," his Majesty, by his Royal Letters Patent of the twenty-sixth day of March, in the fourteenth year of his reign, did create and constitute a Court of Record, to be within the factory of Fort William, at Calcutta in Bengal, called the Supreme Court of Judicature at Fort William in Bengal, with sundry directions, powers, and authorities, to the said Court, in the said Letters Patent set forth and expressed: and whereas many doubts and difficulties have arisen concerning the true intent and meaning of certain clauses and provisions in the said Act and Letters Patent, and by reason thereof dissension hath arisen between the Judges of the Supreme Court and the Governor-general and Council of Bengal; and the minds of many inhabitants subject to the said Government have been disquieted with fears and apprehensions; and further mischiefs may possibly ensue from the said misunderstandings and discontents, if a seasonable and suitable remedy be not provided: and whereas it is expedient that the lawful Government of the provinces of Bengal, Bahar, and Orissa, should be supported, that the revenues thereof should be collected with certainty, and that the inhabitants should be maintained and protected in the enjoyment of all their ancient laws, usages, rights, and privileges: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the Governor-general and Council of Bengal shall not be subject, jointly or severally, to the jurisdiction of the Supreme Council of Fort William in Bengal, for or by reason of any act or order, or any other matter or thing whatsoever, counselled, ordered, or done by them in their public capacity only, and acting as Governor-general and Council.

The Governor-general and Council of Bengal not to be subject to the Supreme Court.

Persons impleaded in the Supreme Court for acts done by order of the Governor-general and Council may plead the general issue.

II. And it is hereby enacted and declared, that if any person or persons shall be impleaded in any action or process, civil or criminal, in the said Supreme Court, for any act or acts done by the order of the said Governor-general and Council in writing, he or they may plead the general issue, and give the said order in evidence; which said order, with proof that the act or acts done has or have been done according to the purport of the same, shall amount to a sufficient justification of the said acts, and the defendant shall be fully justified, acquitted, and discharged from all and every suit, action, and process whatsoever, civil or criminal, in the said Court.

Proviso.

III. Provided always, that with respect to such order or orders of the said Governor-general and Council as do or shall extend to any British subject or subjects, the said Court shall have and retain as full and competent jurisdiction as if this Act had never been made. (1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 43, the Governor-general in Council is empowered to make laws for all persons and all Courts, without exception.]

The Governor-general and Council to remain liable to any complaint before a competent Court in this kingdom.

IV. Provided also, that nothing herein contained shall extend, or be construed to extend, to discharge or acquit the said Governor-general and Council, jointly or severally, or any other person or persons acting by or under their order, from any complaint, suit, or process, before any competent Court in this kingdom, or to give any other authority whatsoever to their acts, than acts of the same nature and description had, by the laws and statutes of this kingdom, before this Act was made.

If any person making complaint to the Supreme Court against the Governor-general, Members of Council, or persons acting under their orders, shall execute a bond to the Company to prosecute the same in some competent Court in Great Britain, within two years.

V. And in order to prevent all abuse of the powers given to the Governor-general and Council, be it further enacted, that in case any person, by himself, or his attorney, or counsel, shall make a complaint to the Supreme Court, and enter the same in writing, and upon oath, of any oppression or injury, charging the same to be committed by the said Governor-general or any member or members of the Council, or any other person or persons by or in virtue of any order given by the said Governor-general and Council, and shall execute a bond, with some other person whom the said Court shall deem responsible, jointly and severally, to the United East-India Company, in such a penalty as the Court shall appoint, effectually to prosecute the said complaint, by indictment, information, or action, in some competent Court in Great Britain, within two years of the making of the same, or of the return into Great Britain of the party or parties against whom the same is made; that then,

such person may compel, by order of the Court, the production of copies of the orders complained of, examine witnesses, &c.

and in such case, the party complaining shall be, and is hereby enabled to compel, by order of the Court, the production in the said Supreme Court of true copy or copies of the order or orders of Council complained of, and to have the same authenticated by the Court, and to examine witnesses upon the matter of the said complaint, and also on the part of the person or persons complained of; and the said parties, as well complaining as complained of, shall have and enjoy severally all manner of advantages, rights, and privileges, relative to proof of the said complaint or defence, and also relative to any *mandamus* or commission to be issued by any of his Majesty's Courts in Westminster Hall, in case the Court upon motion shall think fit to issue the same, as are provided in case of any suit in such cases by an Act of the thirteenth year of his Majesty's reign, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe;" and the Supreme Court shall have the same powers for the compelling witnesses to appear and be examined, and the same rules and directions shall be observed for the transmitting the depositions of witnesses and other papers to this kingdom, as are provided by the said recited Act.

Authenticated copies of orders and depositions shall be received in evidence in the Courts at Westminster.

VI. And be it further enacted, that all copies so authenticated of orders of the said Governor-general and Council, and also the depositions which shall have been taken in manner aforesaid before the Supreme Court, shall be received in evidence in any of his Majesty's Courts of Law or Equity at Westminster.

Limitation of actions.

VII. And be it further enacted, that no prosecution or suit shall be carried on against the said Governor-general, or any member of the Council, before any Court in Great Britain (the High Court of Parliament only excepted), unless the same shall be commenced within five years after the offence committed, or within five years after his arrival in England. (1)

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 124, and 55 Geo. 3, cap. 84, sec. 9.]

Supreme Court not to have any jurisdiction in any matter concerning the revenue.

VIII. And be it further enacted, that the said Supreme Court shall not have or exercise any jurisdiction in any matter concerning the revenue, or concerning any Act or Acts ordered or done in the collection thereof, according to the usage and practice of the country, or the regulations of the Governor-general and Council.

No person shall be subject to the jurisdiction of the Supreme Court on account of his being a landowner or farmer of land, &c.

IX. And for removing all doubts concerning the persons subject to the jurisdiction of the said Supreme Court, be it enacted, that no person shall be subject to the jurisdiction of the Supreme Court, for or by reason of his being a landowner, landholder, or farmer of land, or of land-rent, or for receiving a payment or pension in lieu of any title to, or ancient possession of, land or land-rent, or for receiving any compensation or share of profits for collecting of rents payable to the public out of such lands or districts as are actually farmed by himself, or those who are his under-tenants in virtue of his farm, or for exercising within the said lands and farms any ordinary or local authority commonly annexed to the possession or farm thereof, within the provinces of Bengal, Bahar, and Orissa, or for or by reason of his becoming security for the payment of the rents reserved or otherwise payable out of any lands or farms, or farms of land, within the provinces of Bengal, Bahar, and Orissa.

nor for being employed by the Company, &c.

X. And be it further enacted, that no person, for or by reason of his being employed by the Company, or the Governor-general and Council, or by any person deriving authority under them, or for or on account of his being employed by a native or descendant of a native of Great Britain, shall become subject to the jurisdiction of the Supreme Court in any matter of inheritance, or succession to lands or goods, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses, and also except in any civil suit by agreement of parties in writing to submit the same to the decision of the said Court.

Exceptions.

The name, description, and place of abode, of every native employed in the service of the Company, in any judicial office, &c. shall be entered in a book.

XI. And for the more perfectly ascertaining those of the natives who shall be subject to the jurisdiction of the Supreme Court, on account of their being employed by any of his Majesty's British subjects; be it enacted, that, on or before the first day of January, one thousand seven hundred and eighty-three, the Governor-general and Council shall cause the name, description, and place of usual abode, of all and every native employed in the service of the East-India Company in any judicial office, or as principal native officer of any district in the collection of revenue, or in any commercial concerns of the Company (except as hereinbefore excepted), to be entered in a book or books alphabetically disposed, distinguishing the district in which the said officers are employed; of which book or books two copies shall be made, one of which shall remain in the provincial office, and the other of which shall be registered in the Supreme Court; and the Governor-general and Council are hereby required to register, or cause to be registered, the name of every person who shall afterwards be appointed to succeed to any office, vacant or new created, within three months of the said appointment or creation.

On the death of any person employed by the Company, his name shall be entered in a book.

XII. And be it further enacted, that whenever any person or persons shall happen to die or shall be removed from any judicial office or employment whatsoever, in the service of the East-India Company, the name or names of such person or persons so dying or removed, as

aforesaid, shall be entered in a book or books for that purpose, to be kept in the manner aforesaid.

All British subjects shall enter, in the provincial office, the name and place of abode of their native stewards, agents, &c.

XIII. And it is hereby further enacted, that all and every of his Majesty's British subjects shall, in like manner, cause to be entered in the provincial office of the district in which the said British subject doth most commonly reside, the name, description and place of abode, of his native steward or stewards, agent or agents, or partner or partners, in any concern of revenue or merchandize (if any such steward, agent, or partner he hath), and in like manner shall enter, or cause to be entered, within three months from the time of succession, or new appointment, or new partnership, the names of him or them who are dismissed, dead, or new appointed, in the said provincial office; and the President of the said Council is directed to transmit, within three months, to Calcutta, the name of every person who shall succeed to the said employment or partnership, for which a fee of one sicca rupee for every entry, and no more, shall be paid to the officer keeping the said register.

Penalty on British subjects employing any native agent, &c. not so registered.

XIV. And be it further enacted, that if any British subject shall be convicted, before the Supreme Court, of employing any native agent, or engaging with any native partner, not registered as herein-before is provided, or who shall be, *bonâ fide,* and in effect and substance, such agent or partner (although by covin, collusion, or deceit, the same may be recovered and concealed, contrary to the true intent and meaning of this Act), the said British subject, if in the Company's service, shall forfeit, on conviction, the sum of five hundred pounds, and if not in the Company's service, shall forfeit one hundred pounds, to any person suing for the same.

No native entitled to any salary before he is registered.

XV. And it is hereby further enacted, that no native shall, after the first day of January, one thousand seven hundred and eighty-three, be entitled to receive any fee or salary, except from the day of the date of his registry.

Penalty on British European subjects engaging in trade with native partners not registered.

XVI. And be it further enacted, that if any British European subject shall engage in any concern of trade with a native partner not registered as herein directed, the said British subject shall not be entitled to recover or receive any sum or sums of money by reason of the said joint concern, or to compel an account thereof, by any suit in law or equity, in any Court within the said provinces; and any person, prosecuting to conviction, in the Supreme Court, a British subject having a native partner or agent not being registered as aforesaid, shall be entitled to and shall recover, by due process of the said Court, the whole of the salary engaged for, and shall also be entitled to an account and receipt of the said British subject's share of profit of any partnership entered into with any person or persons not conforming to the regulations of this Act.

How the Supreme Court shall determine actions between Mahomedan and Gentû inhabitants of Calcutta.

XVII. Provided always, and be it enacted, that the Supreme Court of Judicature at Fort William in Bengal shall have full power and authority to hear and determine, in such manner as is provided for that purpose in the said Charter or Letters Patent, all and all manner of actions and suits against all and singular the inhabitants of the said city of Calcutta, provided that their inheritance and succession to lands, rents, and goods, and all matters of contract and dealing between party and party, shall be determined, in the case of Mahomedans, by the laws and usages of Mahomedans, and in the case of Gentûs, by the laws and usages of Gentûs; and where only one of the parties shall be a Mahomedan or Gentû, by the laws and usages of the defendant.

XVIII. And, in order that regard should be had to the civil and religious usages of the said natives, be it enacted, that the rights and authorities of fathers of families and masters of families, according as the same might have been exercised by the Gentû or Mahomedan law, shall be preserved to them respectively within their said families; nor shall any acts done in consequence of the rule and law of caste, respecting the members of the said families only, be held and adjudged a crime, although the same may not be held justifiable by the laws of England.

The authority of fathers and masters of families, among the natives, to be preserved, &c.

XIX. And be it further enacted, that it shall and may be lawful for the Supreme Court of Judicature at Fort William in Bengal to frame such process, and make such rules and orders for the execution thereof, in suits civil or criminal against the natives of Bengal, Bahar, and Orissa, as may accommodate the same to the religion and manners of such natives, so far as the same may consist with the due execution of the laws and attainment of justice.

The Supreme Court may frame such forms of process, &c. in suits against the natives as shall suit their religion and manners.

XX. Provided always, and be it enacted, that such new forms of process, and rules and orders for the execution thereof, shall be forthwith transmitted to one of his Majesty's principal Secretaries of State, to be laid before his Majesty for his royal approbation, correction, or refusal; and such process shall be used, and such rules and orders shall be observed, until the same shall be repealed or varied, and in the last case with such variations as shall be made therein.

Such forms to be transmitted to one of the Secretaries of State for his Majesty's approbation.

XXI. And whereas the Governor-general and Council, or some Committee thereof or appointed thereby, do determine on appeals and references from the Country or Provincial Courts in civil causes: be it further enacted, that the said Court shall and lawfully may hold all such pleas and appeals in the manner and with such powers as it hitherto hath held the same, and shall be deemed in law a Court of Record; and the judgments therein given shall be final and conclusive, except upon appeal to his Majesty, in civil suits only, the value of which shall be five thousand pounds and upwards. (1)

The Governor-general, &c. may determine on appeals, and shall be deemed a Court of Record;

(1) [See note on section 4 of 37 Geo. 3, cap. 142.]

XXII. And it is hereby further enacted, that the Court aforesaid shall and is hereby declared to be a Court to hear and determine on all offences, abuses, and extortions committed in the collection of revenue, or of severities used beyond what shall appear to the said Court customary or necessary to the case, and to punish the same according to sound discretion, provided the said punishment does not extend to death, or maiming, or perpetual imprisonment.

and shall determine on all offences committed in collecting the revenue, &c.

XXIII. And it is hereby enacted, that the Governor-general and Council shall have power and authority from time to time to frame regulations for the Provincial Courts and councils, and shall, within six months after the making the said regulations, transmit or cause to be transmitted copies of all the said regulations to the Court of Directors, and to one of his Majesty's principal Secretaries of State, which regulations his Majesty in Council may disallow or amend; and the said regulations, if not disallowed within two years, shall be of force and authority to direct the said Provincial Courts, according to the tenor of the said amendment, provided the same do not produce any new expense to the suitors in the said Court. (1)

Governor-general and Council may frame regulations for the Provincial Courts, &c.

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 43.]

Judicial officers in the Country Courts not liable to actions for wrong, &c. in the Supreme Court for any judgment, decree, or order.

XXIV. And whereas it is reasonable to render the provincial magistrates, as well natives as British subjects, more safe in the execution of their office: be it enacted, that no action for wrong or injury shall lie in the Supreme Court against any person whatsoever exercising a judicial office in the Country Courts for any judgment, decree, or order of the said Court, nor against any person for any act done by or in virtue of the order of the said Court.

No rule or other process to be made on information against any such officer, until proper notice has been given to him.

XXV. And be it further enacted, that in case of an information intended to be brought or moved for against any such officer or magistrate for any corrupt act or acts, no rule or other process shall be made or issued thereon, until notice be given to the said magistrate or officer, or left at his usual place of abode, in writing, signed by the party or his attorney, one month, if the person exercising such office shall reside within fifty miles of Calcutta, two months if he shall reside beyond fifty miles, and three months if he shall reside beyond one hundred miles from Calcutta, before the suing out or serving the same, in which notice the cause of complaint shall be fully and explicitly contained; nor shall any verdict be given against such magistrate, until it be proved on trial that such notice hath been given, and in default of such proof, a verdict with costs shall be given for the defendant.

No magistrate liable in such case to arrest, until he shall have declined to appear to answer, &c.

XXVI. And be it further enacted, that no magistrate shall be liable in any such case to any personal caption or arrest, nor shall be obliged to put in bail, until he shall have declined to appear to answer after notice given as directed by this Act, and service of the process directing his appearance by himself or his attorney.

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23 GEORGII III. Cap. XXXVI.

An Act *to discharge and indemnify the United Company of Merchants of England trading to the East-Indies, from all Damages, Interest, and Losses, in respect to their not making regular Payment of certain Sums due, and to become due, to the Public, and to allow further Time for such Payment; and to enable the Company to borrow a certain Sum of Money; and to make a Dividend of Four Pounds per Centum to the Proprietors at Midsummer, one thousand seven hundred and eighty-three.*

Section 2 of this Act sanctions an increase of the Bond Debt of the Company. See note on 34 Geo. 3, cap. 41.

23 GEORGII III. Cap. LXXXIII.

An Act *for granting Relief to the United Company of Merchants of England trading to the East-Indies, by allowing further Time for the Payment of certain Sums due, and to become due to the Public, and by advancing to the said Company, on the Terms therein mentioned, a certain Sum of Money to be raised by Loans or Exchequer Bills; and to enable the said Company to make a Dividend of Four Pounds per Centum to the Proprietors at Christmas, one thousand seven hundred and eighty-three; and to regulate the future Payment of Debentures of Drawbacks on East-India Goods.*

Section 8 of this Act refers, among other matters, to a contemplated reduction of the Company's Bond Debt. See note referred to under the last title.

The present mode of conducting the Home Government of India originated in the Act 24 Geo. 3, cap. 25, by which the Board of Control was established; but the whole of that Act was repealed by the 33 Geo. 3, cap. 52, with the exception of the following sections and a few others of a temporary nature.

24 GEORGII III. Cap. XXV.

An Act *for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India; and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East-Indies.*

XXX. And be it further enacted, that so much and such parts of an Act made in the twenty-first year of the reign of his present Majesty as directs the Court of Directors of the said United Company to deliver to the Commissioners of the Treasury, or to the High Treasurer for the time being, or to one of his Majesty's principal Secretaries of State, copies of any letters or orders relating to the management of the revenues, or the civil and military affairs of the said Company; and also all such powers and authorities given to or vested in the Proprietors and Directors of the said United Company, or in any General or Special Court thereof respectively, in and by any Act of Parliament or Charter, as are contrary or repugnant to this Act, or any thing herein contained, shall be and the same are hereby repealed, any thing contained in any Act or Charter, or any custom or usage, to the contrary notwithstanding. Part of 21 G. 3. c. 65, repealed.

XLVII. And be it further enacted, that so much of the aforesaid Act of the thirteenth year of the King's Majesty's reign as subjects any person receiving or accepting gifts or pre- Part of 13 G. 3. c. 63, repealed.

sents to any penalty or forfeiture for so doing, or as directs that such gifts, presents, penalties, or forfeitures shall belong to the said Company, shall be repealed from and after the first day of January, one thousand seven hundred and eighty-five: provided, that no prosecutions or other suits already commenced, or to be commenced before the first day of January, one thousand seven hundred and eighty-five, upon the said Act shall be affected by such repeal.

Method of procedure against British subjects who shall be guilty of extortion, or other misdemeanors, in the East-Indies.

LXIV. And whereas it would conduce to the better government, management, and ordering of the territories, possessions, revenues, and commerce of the said United Company, if some more effectual course than the common law hath provided were devised for the prosecuting and bringing to speedy and condign punishment persons guilty of the crime of extortion and other misdemeanors committed in the East-Indies by British subjects holding offices or employments there under his Majesty, his heirs or successors, or under the said United Company: be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for the Coroner and Attorney of our Lord the King, in the Court of King's Bench, by rule of the Court of King's Bench, to be obtained upon motion to be made for that purpose at the instance of any person or persons (and which rule the said Court is hereby empowered to grant at their discretion, if the magnitude and circumstances of the case shall appear to the said Court to render it proper), or for his Majesty's Attorney-general, or for the Court of Directors or Court of Proprietors of the said United Company, in the name of the said United Company, to exhibit in the said Court of King's Bench an information against any such person for any such offence as aforesaid committed after the first day of March, one thousand seven hundred and eighty-five, whereupon the said Court shall and may, at the instance of the prosecutor, cause the party against whom such information shall have been exhibited as aforesaid to be attached, and may and shall order him to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the gaol of Newgate, at the discretion of the said Court, there to be detained until he shall be delivered by due course of law, or until he, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money and with such condition for his appearance, and for satisfying the judgment to be pronounced in and upon such information, as to the said Court in its discretion shall seem meet; and when the defendant shall have appeared and pleaded to the said information, the Chief Justice, or some of the Justices of the said Court of King's Bench, shall within ten days (unless any *mandamus* shall be granted for the examination of witnesses as hereinafter provided, upon a motion to be made within a time to be limited by the said Court of King's Bench for that purpose) deliver the record of the said information and plea to the Lord High Chancellor of Great Britain, or Lord Keeper or Lords Commissioners for the custody of the Great Seal of Great Britain, who shall thereupon issue a commission under the said Great Seal in manner hereinafter provided.

If any person accused shall neglect to appear, &c. the information shall proceed notwithstanding.

LXV. And be it further enacted, that if any person or persons against whom any information shall be exhibited under the authority of this Act shall neglect or refuse, within such respective times as shall be allowed to him or them for those purposes by the rules or according to the discretion of the said Court, to appear and plead not guilty to such information, it shall and may be lawful for his Majesty's Attorney-general, or other prosecutor, to cause an appearance and the plea of not guilty to be entered for such person or persons; and the said information shall thereupon proceed as if the party or parties had appeared, and pleaded not guilty thereto.

LXVI. And be it further enacted, that within thirty days from the commencement of the next and every future session of Parliament, the Lords spiritual and temporal shall proceed to choose, nominate, and appoint twenty-six or more Members of their House, and the Commons of Great Britain, in Parliament assembled, forty or more Members of the said House of Commons, to be chosen by ballot; and the Speaker of each House respectively shall cause the list of the said names, so chosen, to be transmitted, under their respective hands and seals, to the Clerk of the Crown in Chancery, or his deputy: And that whenever a commission is to be issued under the Great Seal of Great Britain, by virtue of this Act, the lists so returned shall be delivered over to such three Judges of the Courts of King's Bench, Common Pleas, or Exchequer, as the said Courts shall for that purpose respectively appoint, one Judge being nominated from each of the said Courts respectively; and if the said lists shall contain more than twenty-six Members of the House of Lords, or forty of the House of Commons respectively, the said Judges shall, within three days from the receipt thereof, cause the names contained in the said list or lists of either or both Houses respectively (as the case may happen) to be put into a box or boxes, and twenty-six names of the said Peers, and forty names of the said Commons, to be publicly drawn by lot, in the presence of the said Judges; and that the said three Judges shall have power and authority, and they are hereby required to give notice to all such Members of the two Houses of Parliament, whose names shall have been so returned, or drawn by lot as aforesaid, and also to his Majesty's Attorney-general, or other prosecutor, and also to the party accused, as the case may require, of the time and place to be appointed by the said Judges (not exceeding twenty days from such lists being delivered to them as aforesaid) for proceeding in the execution of this Act; and the names of all such Members of either House of Parliament as shall not attend in consequence of such notice, shall be transmitted to the Speaker of each House respectively, within three days, if Parliament be then sitting, or if not, within three days after the next meeting of Parliament; and all such persons as shall appear to have made default as aforesaid, shall forfeit to his Majesty, his heirs and successors, the sum of five hundred pounds each, unless they shall offer such excuses as shall appear to each House of Parliament respectively to be valid and sufficient: And if any Member of either House of Parliament, whose name shall have been drawn by lot in the presence of the said Judges as aforesaid, shall have departed this life, or shall hold any civil office of profit under the Crown during his Majesty's pleasure, or shall be, or shall have been, a member of the said Board for the affairs of India, or shall be, or shall have been, a Director of the said Company, or shall hold, or shall have held, any office or employment in the service of the said Company in India, then, in each and every such case, another name shall be drawn out of the same box (if any such name there be) instead of the name of such person.

Within thirty days from the commencement of every session, the House of Lords shall choose by ballot twenty-six Members of their House, and the House of Commons forty of theirs.

The lists to be delivered to three Judges appointed by the different Courts.

Names of the Members of either House returned, &c. who shall not attend on receiving proper notice, to be transmitted to the Speaker.

Defaulters to forfeit £500 each.

LXVII. And be it further enacted, that the senior of the said three Judges present at the respective meetings of the said Special Commissioners shall be the President of such meeting or meetings: and that all questions, resolutions, and determinations before the said Special Commissioners, shall be by a majority of voices of the Special Commissioners then and there present; and if the voices shall be equal, the then President shall have a second or casting voice.

The senior Judge present to be President of the meeting.

Five sections of this Act are here omitted, as they consist of provisions relating to the constitution of the Court, and the modes of proceeding, which are either varied by 26 Geo. 3, cap. 57, or repeated therein.

Commissioners to appoint a Register.

LXXIII. And be it further enacted, that the said Special Commissioners shall nominate and appoint a fit and proper person or persons to act as their Register or Registers in the execution of the said Commission: and when and so soon as the said Commission shall have been fully executed, the said Commission, and the information and plea, and the judgment had thereupon, and all the depositions and examinations, and other proceedings concerning the premises, shall be delivered over by such Register or Registers unto the Clerk of the Crown in the Court of King's Bench, to be kept and recorded in that Court.

Subpœnas may be issued for the attendance of witnesses.

LXXIV. And be it further enacted by the authority aforesaid, that subpœnas requiring the attendance, before the Special Commissioners to be appointed under this Act, of any witness or witnesses as or on behalf of any person or persons prosecuted under the authority of this Act, may be issued out of the Crown Office of the Court of King's Bench; and in case any witness, having due notice of such subpœna, shall not attend in obedience to such subpœna, his non-attendance shall be deemed a misdemeanor, and subject him to be indicted; and in case any such witness shall attend, but shall refuse to be examined, it shall and may be lawful for the said Special Commissioners to punish such witness by fine or imprisonment, at their discretion.

Non-attendance to be deemed a misdemeanor.

Commissioners may send for persons, papers, and records;

LXXV. And be it further enacted, that the said Special Commisioners have full power and authority, by virtue of this Act, to send for persons, papers, and records, and to examine all witnesses, who shall come or be brought before them, upon oath, to be taken before them, and to cause the examinations of such witnesses, if they shall so think fit, to be reduced into writing, and to be signed and subscribed by such witnesses respectively; and if any person brought before the said Special Commissioners shall prevaricate in his evidence, or shall otherwise misbehave himself before the said Special Commissioners, the said Special Commissioners shall and may, if they shall so think fit, commit such person to the prison of the Fleet, or the gaol of Newgate, there to remain for such time as the said Special Commissioners shall appoint, unless the said Commissioners shall order them to be released sooner, which they are hereby empowered to do; and if any such witness shall wilfully give any false evidence before the said Special Commissioners, such witness shall be deemed guilty of wilful and corrupt perjury, and shall and may be indicted and punished for the same accordingly.

and may commit prevaricators to the Fleet, &c.

The recognizance aforesaid shall bind all the goods of the principal party at the time of entering into the same, &c.

LXXVI. And be it further enacted, that the recognizance to be entered into as aforesaid, shall bind the property of all and singular the goods and chattels, which were the goods and chattels of the principal party entering into such recognizance at the time of his entering into the same, or which he shall or may acquire at any time afterwards, and before he shall be discharged from such recognizance; and shall also bind all estate and interest in all lands, tenements, and hereditaments, whereof the said principal party shall be seized or possessed, or whereof any person or persons, in trust for the party so entering into such recognizance (at the time of his entering into the same, or at any time afterwards, and before he shall be discharged therefrom), shall be seized or possessed.

Where the party shall be found guilty, and adjudged to pay a fine, he may be examined by interrogatories in the Court of Exchequer as to his estate and effects:

LXXVII. And be it further enacted, that where the party against whom such information shall have been exhibited as aforesaid shall be adjudged to be guilty of the crime charged in such information, and shall be adjudged to pay a fine unto his Majesty, his heirs and successors, that it shall and may be lawful for his Majesty's Attorney-general, or for the said United Company, or other prosecutor, to exhibit interrogatories before the Court of Exchequer, for the examination of the party adjudged to pay such fine as aforesaid, as to

his estate and effects sufficient to answer the same fine; and if the said party shall not appear, or shall refuse to answer to such interrogatories, or shall wilfully conceal any part of his estate or effects, hereinbefore declared to be bound by such recognizance as aforesaid, or which shall by law be liable to be extended in satisfaction thereof, such party, on his default of appearance before such Court, or on his refusal to answer such interrogatories, shall forfeit to the King's Majesty, his heirs and successors, all and singular his goods and chattels, lands, tenements, and hereditaments whatsoever, and shall be liable to be imprisoned in the gaol of Newgate, or the Tower of London, for such time as the said Court of Exchequer shall direct.

If he shall not appear, or refuse to answer, &c. he shall forfeit all his estate, and be committed.

LXXVIII. And whereas the provisions made by former laws, for the hearing and determining in England offences committed in India, have been found ineffectual by reason of the difficulty of proving, in this kingdom, matters done there; be it further enacted by the authority aforesaid, that in all cases of informations laid or exhibited by virtue of this Act in the said Court of King's Bench, for misdemeanors or offences committed in India, it shall and may be lawful for his Majesty's said Court, upon motion to be made on behalf of his Majesty's Attorney-general, or other prosecutor, or of the defendant or defendants, to award a writ or writs of *mandamus*, requiring the Chief Justice and Judges of the Supreme Court at Fort William in Calcutta for the time being, or the Judges of the Mayor's Court of any of the British settlements in India, as the case may require, who are hereby respectively authorized and required accordingly, to hold a Court with all convenient speed for the examination of witnesses, and receiving other proofs concerning the matters charged in such informations respectively; and in the mean time to cause such public notice to be given of the holding the said Court; and to issue such summons or other process as may be requisite for the attendance of witnesses, and of the agents or counsel of all or any of the parties respectively, and to adjourn from time to time as occasion may require; and such examination as aforesaid shall be then and there openly and publicly taken, *viva voce*, in the said Court, upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions, and shall, by some sworn officer of such Court, be reduced into one or more writing or writings on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the Judges of the said Supreme Court; and one or more of the Judges of the said Supreme Court shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in Court of his Majesty's Court of King's Bench, in the public office, and make oath that he received the same from the hands of one or more of the Judges of such Court in India (or in what manner the same came into his hands), and that the same has not been opened or altered since he so received it (which said oath such clerk in Court is hereby authorized and required to administer); and such depositions, being duly taken and returned, according to the true intent and meaning of this Act, shall be allowed and read before the said Special Commissioners, and shall be deemed as good and competent evidence as if such witness had been present, and sworn and examined *viva voce*, at any trial, before the said Special Commissioners, for such crimes or misdemeanors as aforesaid, any law or usage to the contrary notwithstanding; and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges; and the Chief Justice of the said Court of King's Bench, or one of the Judges of the said Court, shall, with all convenient speed after such deposition shall have been so received, together with the said information and plea,

Depositions of witnesses taken in India, and transmitted to the Court of King's Bench, may be read before the Special Commissioners, and shall be deemed competent evidence.

Chief Justice of the King's Bench, &c. to deliver the deposition, &c. to the Lord Chancellor.

cause the same to be delivered over to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the custody of the great seal of Great Britain, who shall thereupon issue the Commission under the Great Seal, in the manner by this Act directed.

Restriction as to the delivery thereof.

LXXIX. Provided always, and it is hereby further enacted, that no information, or plea, or deposition, which by this Act is directed to be delivered over by the Chief Justice of the Court of King's Bench, or one of the Judges of the said Court, to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Great Britain, shall be so delivered over, at any other time than during some one of the three usual and accustomed terms hereinafter mentioned; that is to say, Hilary Term, Easter Term, or Michaelmas Term.

Writings received by the Court of Directors from India, and copies of writings sent by the Court to their servants there, relative to the charge in the information, &c. may be admitted by the Commissioners as evidence.

LXXX. And, in order to promote the ends of justice in ascertaining facts committed at so great a distance from this country, by such evidence as the nature of the case will render practicable; be it further enacted, that in all proceedings upon such information as aforesaid, as well as the depositions taken under such commission or commissions, after the publication thereof, as also all writings which shall have been transmitted from the East-Indies to the Court of Directors of the said United Company, by their officers or servants resident in the East-Indies, in the usual course of their correspondence with the said Court of Directors, and copies of all writings which shall have been transmitted by the said Court of Directors, or by any committee thereof, to the officers and servants of the said United Company resident in the East-Indies, and which in any manner relate to the subject matter of the charge to be contained in such information, or to the defence to be made thereto, may be admitted by the said Commissioners to be offered in evidence, and shall not be deemed inadmissible or incompetent, unless upon objections arising from the nature of the contents of the said writings; subject nevertheless to be impeached, in point of credibility, by such observations and objections as the nature of such evidence, or other circumstances may suggest; any rule of the common law to the contrary notwithstanding.

Court of King's Bench, at the prayer of the prosecutor, &c. may order an examination of witnesses upon interrogatories, &c.

LXXXI. And be it further enacted, that the said Court of King's Bench shall have power and authority, at the prayer of his Majesty's Attorney-general, or other prosecutor, or of the party against whom such information shall be exhibited, to order an examination *de bene esse*, of witnesses, upon interrogatories to be had and taken before an examiner to be by them appointed for that purpose, or by commission, as the case shall require, and to cause the depositions of such witnesses to be published, when the same shall appear to them to be proper and necessary; and which depositions shall be afterwards admitted to be read in evidence before the said Commissioners, and shall be deemed good and sufficient evidence in the law as aforesaid; saving all just exceptions to be taken to such depositions, when the same shall be offered to be read as aforesaid.

Limitation of prosecutions.

LXXXII. And be it further enacted by the authority aforesaid, that no prosecution in consequence of this Act shall be commenced, unless within the space of three years after the return of the party prosecuted into Great Britain, or within three years after the delivery of the inventory or particular required by this Act. (1)

(1) [The provisions respecting the delivery of the inventories here alluded to were repealed by 26 Geo. 3, cap. 57, which see for further provisions respecting the Court of Judicature for the trial of offences committed in India.]

LXXXIII. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to prejudice or affect the rights or claims of the public, or the said United Company, respecting the said territorial acquisitions and revenues. Not to affect claims respecting territorial acquisitions.

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24 GEORGII III. Cap. XXXIV.

An Act *for the Relief of the East-India Company with respect to the Payment of certain Sums due to the Public, and to the Acceptance of certain Bills drawn upon the said Company, and for regulating the Dividends to be made by the said Company.*

The 4th section of this Act makes provision for a reduction of the Bond Debt of the Company. On this subject see the note on 34 Geo. 3, cap. 41.

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26 GEORGII III. Cap. XVI.

An Act *to explain and amend certain provisions of an Act, made in the twenty-fourth year of the reign of his present Majesty, respecting the better Regulation and Management of the Affairs of the East-India Company.*

By the 33 Geo. 3, cap. 52, the whole of this Act is repealed, except such parts as repeal former Acts. The only sections which fall within the exception are the third and fifth, which repeal certain parts of the 24th Geo. 3, cap. 25; but the whole of that Act (excepting parts which relate to certain temporary arrangements, to the new Court of Judicature for trying offenders, or which go to repeal former Acts) having been repealed by the said 33 Geo. 3, cap. 52, it is unnecessary to print those sections here.

26 GEORGII III. Cap. LVII.

An Act *for the further Regulation of the trial of Persons accused of certain Offences committed in the East-Indies; for repealing so much of an Act made in the twenty-fourth year of the reign of his present Majesty, intituled, "An Act for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual trial of Persons accused of Offences committed in the East-Indies," as requires the Servants of the East-India Company to deliver Inventories of their Estates and Effects; for rendering the Laws more effectual and easy against Persons unlawfully resorting to the East-Indies; and for the more easy proof, in certain cases, of Deeds and Writings executed in Great Britain or India.*

Preamble. Recital of 24 G. 3, c. 25.

Whereas by an Act made in the twenty-fourth year of his Majesty's reign, intituled, "An Act for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India; and for establishing a Court of Judicature for the more speedy and effectual trial of Persons accused of Offences committed in the East-Indies," divers provisions were made and enacted for the more effectually prosecuting and bringing to speedy and condign punishment the crime of extortion, and other misdemeanors, committed in the East-Indies by British subjects, in the service of his Majesty, or of the said Company; and particularly for constituting a special Court of Judicature for the trial of any information to be exhibited in his Majesty's Court of King's Bench, against such offenders, under and by virtue of a Commission, to be awarded under the Great Seal of Great Britain, directed to four Members of the House of Peers, six Members of the House of Commons, and three of the Judges of his Majesty's Courts of Law at Westminster, such Members and Judges to be selected and chosen in the manner prescribed by the said Act; and the said Special Commissioners, to be so constituted by such Commission, or any seven or more of them (of whom one of the said three Judges was to be one), were, by the said Act, invested with full power and authority to hear and determine every such information, and to pronounce judgment thereon, according to the effect of the judgment at common law, upon convictions had and obtained according to the course of the common law, for extortion or other misdemeanor: and whereas the selection of the Members of the said respective Houses of Parliament, for the purposes aforesaid, may be rendered more easy and convenient: and whereas it is judged expedient, that, instead of seven, not less than ten Commissioners, to be constituted by such Commission as aforesaid, should have authority to hear and determine any such information, and, for that purpose, that a greater number of Members of each House of Parliament than is directed by the said Act, should, together with the said three Judges, be named and authorized as Commissioners, in and by such Commission: and whereas it is also expedient, that for giving greater vigour and efficacy to the proceedings and judgments of the said Special Commissioners, further regulations should be provided and established: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that the Members of the House of Lords, by the said Act directed to be named by the said

House for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following, and no otherwise, anything in the said recited Act contained to the contrary notwithstanding; (that is to say), that within the first thirty sitting days of the House of Lords in every future Session of Parliament, the Members of the said House, or any of them, may respectively deliver in, at the table, lists inclosed in covers, sealed up, and having the words "East-India Judicature," and their respective names or titles of honour by which they are generally known and distinguished, indorsed on the outside thereof, in their respective proper handwriting; every such list containing the names or titles of twenty-six Peers; and that, on the first sitting after the expiration of the said thirty days, the Clerk of the Parliaments, or his deputy or assistant, or such other person as the said House shall direct, shall prepare and lay upon the table of the said House, a list of the names or titles of the Lords who shall, within the said thirty days, have delivered such lists; and that, on the next sitting day of the said House, the said covers shall be opened by the Clerk of the Parliaments, or his deputy or assistant, or such other person as the said House shall direct, by the order of the Speaker of the said House, during the sitting of the said House, and all the lists which shall be so delivered shall be taken out of the said covers and put into a box; and the said lists shall be referred by the said House to a committee, who shall examine the same, and within such time as the said House shall direct, report to the House the name or title of every Lord whose name or title shall appear in ten or more of such lists; and if the names or titles of the respective Members so returned shall not amount to twenty-six Members at the least, exclusively of such of the Members so returned as shall be struck out of the said lists according to the directions of this Act, the Members of the said House, or any of them, may, on any of the next seven sitting days of the said House, deliver in fresh lists in covers sealed up, and indorsed in the manner hereinbefore directed, each of such lists containing a number of names or titles of Members of the said House, equal to that number by which the list returned by the committee shall, exclusively of the Members struck out as aforesaid, fall short of twenty-six; and the said covers shall be opened, and the lists disposed of, referred, and proceeded upon after the end of the said seven days, in the manner herein-before directed in respect to the said former lists.

Within the first thirty sitting days of every Session, lists of twenty-six names to be delivered in, sealed up, by the Members of the Upper House, from which shall be selected twenty-six Peers;

II. And be it further enacted by the authority aforesaid, that the Members of the House of Commons, to be named by that House for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following, and not otherwise, anything in the said recited Act contained to the contrary notwithstanding; (that is to say), that within the first thirty sitting days of the said House in every future Session of Parliament, the Members of the said House, or any of them, may respectively deliver in, at the table, lists, inclosed in covers, sealed up, and having the words "East-India Judicature," and their respective names, indorsed on the outside thereof, in their respective proper handwriting, each of which lists shall contain the names of forty Members of the said House; and that, on the first sitting day after the expiration of the said thirty days, the clerk of the said House, or his deputy or assistant, or such other person as the House shall direct, shall prepare, and lay upon the table, the names of all the Members who shall have delivered such lists; and that on the next sitting day of the said House, the clerk of the said House, or any or either of such other persons as aforesaid, shall, at the table, during the sitting of the said House, by the order of the Speaker, take the lists out of the said covers, and put the said lists together in a box; and the said lists shall be immediately referred, by the said House, to a Committee, who shall examine the same, and within such time as the House shall direct, report to the House the name of every Member whose name shall appear in twenty or more of the said lists; and if the names so returned

and in the same period, like lists of forty Commoners to be delivered in, from which shall be selected forty Members.

shall not amount to forty at the least, exclusively of such of the said Members therein named as shall be struck out of the said lists according to the directions of this Act, the Members of the said House, or any of them, may, on any of the next seven sitting days of the said House, deliver in at the table of the said House fresh lists, in covers, sealed up and indorsed in the manner hereinbefore directed, each list containing a number of names of Members of the said House equal to that number by which the list returned by the said Committee shall, exclusively of such of the said names as shall be so struck out, fall short of forty, and the said lists shall be opened, disposed of, referred, and proceeded upon, after the end of the said seven days, in the manner hereinbefore directed in respect to the said former lists: And the like order and course respectively as aforesaid shall be taken in each House of Parliament, until the said numbers of twenty-six Members of the House of Lords, and forty Members of the House of Commons, shall have been returned to the said respective Houses, by the Committees to whom the said lists shall be referred, exclusively of such of the Members so returned as shall be struck out of the said lists according to the directions of this Act.

Persons holding offices under the Crown during pleasure, &c. to be struck out of the lists.

III. Provided always, and be it enacted, that if any of the persons named in any of the lists returned by the said respective Committees, shall appear to hold any civil office of profit under the Crown, during his Majesty's pleasure, or to be, or to have been, a Commissioner for the affairs of India, or to be, or to have been, a Director of the said Company, or to hold, or to have held, any office or employment in the service of the said Company in India, the names of all and every such persons shall be struck out of the said lists, by the order of the said respective Houses of Parliament.

Mode of delivering in of lists left to the Houses of Parliament, if that provided be found inconvenient.

IV. Provided also, and be it further enacted, that if the delivery of the said lists at the tables of the respective Houses of Parliament, in the manner directed by this Act, shall occasion any interruption of other business, or be found inconvenient in any other respect, it shall be lawful for both or either of the said Houses, by their order or orders, to substitute such other mode for the delivery of such lists as the said Houses shall respectively think fit, and that the said lists shall, after the making of any such order or orders, be delivered according to the tenor and directions thereof respectively; anything hereinbefore contained to the contrary notwithstanding.

The party accused may challenge thirteen Peers and twenty Commoners, contained in the lists, as the names are drawn by lot in the presence of the Judges, according to the recited Act.

V. And be it further enacted, that the names of the twenty-six Peers, and forty Members of the House of Commons, which shall have been so chosen by the said respective Houses of Parliament, or the names of the twenty-six Peers, and forty Members of the House of Commons, which (in case the said lists of both or either of the said Houses shall happen to contain a greater number of Members than as aforesaid, respectively) shall have been drawn by lot, according to the directions of the said former Act, or of such of them as shall personally appear at the time and place appointed, in the manner by the said Act directed, shall be put into a box, to be drawn by lot, in the presence of the Judges, to be appointed according to the directions of the said recited Act, and of the parties to the information to be tried, or their counsel or agents: And the person or persons against whom the said information shall have been exhibited, shall have the liberty, as the said names are drawn out, to make peremptory challenges, to the number of thirteen of the Peers, and twenty of the Members of the House of Commons, whose names shall have been put into the said box; and his Majesty's Attorney-general, or other prosecutor, as the case may happen, and also the party or parties against whom such information shall have been exhibited as aforesaid, shall respectively have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as, in the opinion of the three Judges, or the majority of them,

Prosecutor may challenge the same number.

shall appear, in their discretion, sufficient to set aside the person or persons so challenged, for the purpose of obtaining equal justice; and the first five names of the said Peers, and likewise the first seven names of the said Members of the House of Commons, which being drawn out shall not be so challenged, or against whom no challenge shall have been allowed, shall be returned by the said Judges to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners, for the custody of the great seal of Great Britain, who shall cause the said five Peers, and the said seven Members of the House of Commons, by their respective proper names or titles of honour, together with the names of the said three Judges, to be inserted in the Special Commission to be issued by virtue of the said recited Act, and of this present Act; and the persons who shall be so named and authorized in and by the said Commission, shall appear within ten days, at the time and place to be appointed by the said three Judges, and shall then and there take the following oath, before the Lord High Chancellor, or Lord Keeper, or Lords Commissioners of the great seal of Great Britain, for the time being, or any one of them:

The first five Peers, and the first seven Commoners, whose names shall be drawn out and not challenged, to be, with the three Judges, appointed Special Commissioners.

"I, *A.B.*, do swear, that, as a Commissioner appointed by his Majesty's Commission "for the trial of the information now at issue against *C. D.*, I will diligently attend "such trial, and that I will hear and determine the same to the best of my judgment, "according to the evidence which shall be given.

"So help me GOD."

Commissioner's Oath.

VI. And be it further enacted, that if, by reason of the challenges as aforesaid, the number of names so drawn out as aforesaid shall be reduced to less than five Peers and seven Members of the House of Commons respectively, then, and in such case, the said three Judges shall forthwith certify the same to the Speakers of the respective Houses of Parliament, who shall lay the same before the said Houses respectively; and the said Houses shall respectively proceed, within any of the next seven days on which the said Houses shall respectively sit for the dispatch of business, to choose, nominate, and appoint twenty-six Members of the House of Lords, and forty Members of the House of Commons, after the manner and course aforesaid, the lists of which said respective Members so chosen and appointed, shall be transmitted to the Clerk of the Crown in his Majesty's High Court of Chancery, or his deputy, and be inserted in a new Commission, to be issued in the manner hereinbefore and in the said former Act directed: Provided always, that no day on which the House of Commons shall have adjourned, for want of the presence of a sufficient number of Members to execute the provisions of the several Acts passed in the tenth and eleventh years of the reign of his present Majesty, to regulate the trials of controverted elections or returns of Members to serve in Parliament, shall be accounted one of the sitting days of the said House, for any of the purposes of this Act.

If challenges reduce the number to less than five Peers and seven Commoners, new lists to be made out.

VII. And be it further enacted, that the said Special Commissioners to be appointed as aforesaid shall have full power and authority to hear and determine every such information, and to pronounce judgment thereon according to the effect of the judgment of the common law upon convictions had and obtained according to the course of the common law for extortion, or other misdemeanor, and also to declare the party so convicted incapable of serving the King's Majesty, his heirs or successors, or the said United Company, in any capacity whatever; and such judgment so pronounced by the said Special Commissioners as aforesaid, upon such information, shall be good and effectual, and shall be conclusive, to all intents and purposes; and no *certiorari* shall be granted for removing the proceedings of the said Special Commissioners, on such information into any Court whatever: and the proceedings of the said Special Commissioners shall not be impeached, or

Power of the Commissioners.

the validity thereof questioned, in any action or suit, or other proceeding, in any Court of law or equity.

Ten Commissioners competent to act.

VIII. Provided always, and be it enacted, that all and every the powers and authorities given and granted by the said recited Act, and by this present Act, unto the said Special Commissioners, shall and may be executed by or before any ten or more of them (of whom one of the said three Judges shall always be one), and that no act done or executed by or before the said Commissioners, unless ten or more of the said Commissioners (of whom one of the said three Judges shall be one) shall be present at the doing or executing thereof (save and except in the particular cases hereinafter specially provided), shall be valid or effectual; any thing in the said former Act contained to the contrary notwithstanding.

Majority to determine, and the President to have a casting vote.

IX. Provided also, and be it further enacted, that whenever the said Special Commissioners shall not concur in opinion, upon any question or matter to be decided by or before them, every such question or matter shall be determined by the greater number of the said Commissioners who shall be then present, so that the number of Commissioners then present be not less than ten as aforesaid; and if the said Commissioners shall at any time be equally divided in opinion, on any question or matter depending before them, the Judge then sitting as president shall have two voices, or the casting vote.

If by death, or otherwise, the number should be reduced under ten, a new Commission to be made out.

X. And be it further enacted, that if any of the said Special Commissioners shall depart this life, or be excused from attending in the manner by this Act directed, before the said Commission shall have been fully executed, so that there shall not be a sufficient number of Commissioners to proceed in the due execution of such Commission, according to the true intent and meaning of this Act; or if all the said three Judges shall happen to die, or be excused from attending in the manner by this Act directed, whilst the said Commission shall be depending; then, and in either of such cases, and from thenceforth, the said Commission, and the force and effect thereof, shall cease, and a new Commission shall be awarded for hearing the matter of such information, for which such former Commission was issued, and the trial of such information shall begin *de novo;* save only and except with respect to the examinations or depositions of any witnesses (if any) which shall have been taken in writing under the said former Commission, which examinations or depositions shall and may be received and admitted as evidence under such new Commission.

Commissioners to attend during the whole trial, unless absent by leave.

XI. And be it further enacted, that the said Special Commissioners shall severally attend in Court during the whole trial for which they shall be appointed as aforesaid, and none of the said Commissioners shall in anywise absent himself from the same (except as hereafter is provided); and the said Court shall at no time proceed in the said trial until all the said Special Commissioners, not having obtained such leave of absence, or not having been excused as hereinafter is provided, shall be met and assembled; and if the said Special Commissioners (except as aforesaid) shall not all meet and assemble within the space of one hour after the time to which they shall have adjourned, such of them as shall be then present, or the major part of them shall make an order for a further adjournment of the trial, in which order the cause of such further adjournment shall be expressed, and a copy of such order, signed by the register to the said Commissioners, shall be served upon, or left at the usual or last place or places of abode of, the said absent Commissioner or Commissioners respectively; and at such further adjourned meeting the cause of his or their absence shall be inquired into by the Special Commissioners who shall be then present, before the said Commissioners shall proceed to any

If all do not meet, the majority present may adjourn.

Cause of absence to be inquired into.

other business; and if it shall not be made appear, to the satisfaction of the said Commissioners, by facts specially stated, and verified before them upon oath (or, in the case of such facts being verified by a Peer of the realm, then upon his honour) that such absent Commissioner or Commissioners was or were, by sudden accident, or by necessity, prevented from attending at the said former sitting, it shall and may be lawful for the Special Commissioners then present, or the major part of them, to pass such censure upon such Commissioner or Commissioners who shall have been so absent, as they shall think fit, and also to impose upon such Commissioner or Commissioners respectively, for such neglect of duty, or upon any Commissioner or Commissioners who shall depart from the said Court during the sitting, and before an adjournment thereof, such fine or fines as the said Commissioners, or the greater number of them then present, shall think fit, so that no such fine shall exceed the sum of five hundred pounds; which fine or fines shall be forthwith estreated by one or more of the said three Judges, into the Court of Exchequer, and the like process shall be awarded by the said Court of Exchequer, for levying the said fine or fines for his Majesty's use, as is usually awarded for the levying of other fines estreated into the said Court of Exchequer; and the said Special Commissioners shall also have full power and authority to order or declare, that any Commissioner or Commissioners who shall be so censured, or on whom any such fine or fines shall be imposed, shall be disabled from acting in the further execution of such Commission.

Absentees may be censured or fined, and disabled from acting.

How fines are to be levied.

XII. Provided always, and be it further enacted, that it shall and may be lawful for the said Commissioners, or the greater number of them, to grant leave of absence to any of the said Commissioners, upon proof, to their satisfaction, of sickness or other urgent occasion; and such of the said Commissioners who shall obtain leave of absence as aforesaid, and shall accordingly be absent during any part of such trial, shall be no longer capable of acting under such Commission; any thing contained in the said former Act, or in this Act, to the contrary notwithstanding.

Leave of absence may be granted to Commissioners, but being absent during part of trial, are not again to sit.

XIII. Provided also, and be it further enacted, that, after the trial of any information shall have commenced and been begun by and before the said Special Commissioners, the said Commissioners shall sit every day, Sunday, Christmas-day, and Good Friday, only excepted; and the said Commissioners shall never adjourn for a longer time than twenty-four hours, unless a Sunday, Christmas-day, or Good Friday, shall happen to intervene, in which case their adjournment shall not exceed twenty-four hours, exclusive of such Sunday, Christmas-day, or Good Friday: provided also, that if the number of the said Special Commissioners capable of acting in the execution of such Commission, according to the directions of this Act, shall by death or otherwise, be reduced to ten, and any of such ten Commissioners shall be prevented by sudden accident, or by necessity, from attending such trial, the said other Commissioners, or the greater number of them, shall and may, at their discretion, adjourn and suspend the proceedings upon such trial, from time to time, as circumstances may require, so that any such adjournment shall not exceed three days, and the number of such successive adjournments shall not, in the whole, exceed ten adjournments; any thing hereinbefore contained to the contrary notwithstanding.

During a trial, the Commissioners not to adjourn for more than twenty-four hours, except on occasions herein specified.

XIV. And be it further enacted, that it shall and may be lawful to and for the said Special Commissioners to constitute and appoint such clerks, tipstaffs, messengers, and other officers, to attend upon them in the execution of their said Commission, and to do and perform all such matters and things as shall be ordered or given to them in charge by the

Commissioners may appoint clerks, &c. who may be removed, &c.

said Commissioners, as the said Commissioners shall think fit; and such several clerks and other officers shall be diligently attendant upon, and subject and obedient to, the said Commissioners, and may be suspended, removed, or discharged, or be punished by fine or fines, to be imposed by the said Commissioners, for any neglect of duty or disobedience, at the discretion of the said Commissioners; which fines shall be estreated into his Majesty's Court of Exchequer, by one or more of the said three Judges, and shall and may be levied and recovered for his Majesty's use, by the process of the said Court; and all and every of such clerks and other officers shall be paid by the parties informant or informants, and defendant or defendants named in such information, the same or the like fees and allowances as the respective officers attendant upon his Majesty's Court of King's Bench, upon trials of informations for misdemeanors prosecuted in the said Court, are entitled to receive from the parties thereto respectively, according to the stations and duties of such officers respectively.

How clerks, &c. are to be paid.

Court of King's Bench may issue out warrants for apprehending persons accused of extortion, &c. in the East-Indies.

XV. And be it further enacted, that whenever an information shall be exhibited in the said Court of King's Bench, against any person or persons, for the crime of extortion, or other misdemeanor, committed in the East-Indies, in every such case, upon a certificate from the coroner and attorney of our Lord the King, (commonly called the Clerk of the Crown in the Court of King's Bench, or the Master of the Crown Office in the said Court), or any or either of his sworn clerks in the said office, that such information hath been filed, (which information, in case the same shall be filed when the Court of King's Bench shall not be sitting, shall be considered as filed on the last day of the preceding term), it shall and may be lawful to and for the Lord Chief Justice, or any of the other Judges of the said Court, at the instance of such prosecutor or prosecutors, to issue his warrant, under his hand and seal, directed to all sheriffs, mayors, bailiffs, constables, and other peace officers, and to such other person or persons as shall be named for that purpose by such prosecutor or prosecutors, for apprehending and attaching the party or parties, defendant or defendants to such information; and if such party or parties shall escape or go into, reside, or be in any place within that part of Great Britain called Scotland, it shall and may be lawful for the sheriff or steward depute or substitute, or any justice of the peace of the county or place into which such party or parties shall escape or go, or in which he or they shall reside or be, to indorse his name on the said warrant, which warrant so indorsed shall be a sufficient authority to all persons to whom such warrant was originally directed, and also to all sheriff's officers, stewards, officers, constables, and other peace officers of the said county or place, by the sheriff, steward depute, or substitute, or justice of the peace, whereof such warrant shall be so indorsed, to execute the said warrant in the same county or place, by apprehending the party or parties against whom such warrant shall have been granted, and to convey and bring such party or parties in safe custody before the said Court of King's Bench, or before the Lord Chief Justice or any of the Judges of the said Court, to be further dealt with according to the directions of the said former Act, and this present Act.

Parties informed against to be committed, or to find bail.

XVI. And be it further enacted, that it shall and may be lawful to and for the party or parties against whom any such information shall be exhibited as aforesaid, (not being attached) to surrender himself or themselves in the said Court of King's Bench at any time during the sitting of the said Court, to be dealt with according to the directions of the said former Act, and this present Act, or if the said Court shall not be sitting, unto the said Lord Chief Justice, or any other of the Judges of the said Court; and that when and so often as any such party or parties shall surrender himself or themselves out of Court as aforesaid, or shall

during any vacation, or when the said Court shall not be sitting, be attached and brought before the said Lord Chief Justice, or other Judge, under any warrant or attachment issued by virtue of the said former Act or this present Act, the said Lord Chief Justice, or other Judge, shall and may order such party or parties to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the gaol of Newgate, at the discretion of the said Lord Chief Justice or other Judge, there to be detained until he or they shall be delivered by due course of law, or until he or they, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money, and with such condition for his appearance, and for submitting to the judgment to be pronounced in and upon such information, as the said Lord Chief Justice or other Judge shall in his discretion order and direct. Provided always, that it shall and may be lawful for the said Commissioners to order any person in custody, under the provisions of this Act, to be from time to time brought up and remanded in such manner as to the said Commissioners shall seem meet.

XVII. And be it further enacted, that when and so often as any party or parties, against whom any such information as aforesaid shall be exhibited, shall not be attached, or shall not have surrendered as aforesaid, and proof shall be made, by any affidavit or affidavits, to the satisfaction of the said Court of King's Bench, that such party or parties is or are beyond the seas, or that upon inquiry at his or their usual place or places of abode, or last known place or places of residence in Great Britain, he or they could not be found, and that there is just ground to believe that such party or parties is or are gone, or doth or do continue out of the realm, or doth or do otherwise abscond, to avoid being attached to answer the matters charged in and by such information; then, and in such case, the said Court shall and may make a rule or order, directing and appointing such party or parties to surrender himself or themselves in the said Court, or to the Lord Chief Justice, or one of the other Judges of the said Court, at a certain day in and by such rule or order to be limited and expressed, at the discretion of the said Court; and a copy of such rule or order shall, within twenty days after the making thereof, be inserted three several times in the *London Gazette*; and another copy of such rule or order shall, within the time aforesaid, be affixed in some conspicuous and public place in the India House: and if the said party or parties shall not surrender himself or themselves respectively, according to the tenor of such rule or order, within the time therein to be limited for that purpose, or within such further time as the said Court shall appoint or direct (which the said Court is hereby empowered to do, on application being made on the behalf of such party or parties, if the said Court shall see cause), then, on proof being made of the publication of such rule or order in manner aforesaid, it shall and may be lawful for his Majesty's Attorney-general, or other prosecutor, by rule and leave of the said Court, (which rule and leave the said Court is hereby empowered to grant) to cause an appearance and the plea of not guilty, to be entered for such party or parties charged by the said information; and the said information shall thereupon proceed as if the party or parties had appeared and pleaded not guilty thereto.

Mode of proceeding when parties abscond.

XVIII. Provided always, and be it further enacted, that in all cases where the plea of not guilty shall be entered for the party or parties, defendant or defendants to any information, by the prosecutor or prosecutors thereof, by virtue and according to the directions of this Act, it shall be sufficient, in order to the hearing and determining of such information, for such prosecutor or prosecutors to give fourteen days' notice of the day appointed for the trial thereof, by advertisement in the *London Gazette*; any law, usage, or practice to the contrary notwithstanding.

Notice of trial to be given.

Judgment to be pronounced by the Commissioners, though the parties do not appear.

XIX. And be it further enacted, that if any party or parties charged by any such information as aforesaid, shall make default in his or their personal appearance, at the pronouncing of judgment, in the matter of such information, by and before the said Special Commissioners; it nevertheless shall and may be lawful for the said Commissioners to pronounce judgment upon such information, in the same manner as if the said party or parties was or were personally present; and every such judgment shall be as valid, effectual, and conclusive, to all intents and purposes whatever, as if the said party or parties had been personally present at the pronouncing thereof; any law or usage to the contrary notwithstanding.

Parties during trial may be committed.

XX. And be it further enacted, that whenever the party or parties charged by any such information shall personally appear before the said Special Commissioners, on the hearing or trial thereof, it shall and may be lawful to and for the said Special Commissioners, at any time during the course of such trial, to order such party or parties to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the gaol of Newgate, at the discretion of the said Special Commissioners, there to be detained until judgment shall be pronounced in the matter of the said information, unless he or they shall be previously delivered or discharged by the rule or order of the said Commissioners.

Disturbers of the Court may also be committed.

XXI. And be it further enacted, that if any person or persons shall be guilty of any contempt or disturbance in the Court of the said Commissioners, during the sitting of the Court, it shall and may be lawful to and for the said Commissioners to order such person or persons to be taken into custody, by any officer or officers to be appointed by the said Commissioners to attend the said Court, and to stand committed to the prison of the Marshalsea, or the gaol of Newgate, at their discretion, to be there kept for such time as the said Commissioners shall order and direct.

Judgments of the Commissioners to be executed by the Court of King's Bench, and to be final.

XXII. And be it further enacted, that the judgments which shall be made and pronounced by the said Special Commissioners, according to the directions, and under the authority of the said recited Act, and this present Act, shall, when and so soon as the said judgments and other proceedings shall have been delivered over by the Register to the said Commissioners, to the Clerk of the Crown in the said Court of King's Bench (otherwise called the Coroner and Attorney of our Lord the King, or the Master of the Crown Office in the said Court), in the manner directed by the said former Act, be executed and enforced by the authority of the said Court of King's Bench, and such proceedings to outlawry, and other proceedings against the several and respective defendants thereto, shall and may be had thereon, in the like manner as, according to the course and practice of the said Court, may be had upon judgment made and pronounced by the said Court; and the judgments of the said Special Commissioners shall be final and conclusive, to all intents and purposes whatever, and shall not be arrested, defeated, reversed, or avoided, or liable to be arrested, defeated, reversed, or avoided, for or by reason or means of any error, defect, or want of form in any such judgment, or in the information whereon the same shall be given or pronounced, or in the award of any process thereon, or in the record of the issue for the trial thereof; any law, statute, or usage to the contrary notwithstanding.

This, or the recited Act, not to deprive persons of any right they are entitled to by law, &c.

XXIII. Provided always, and be it further enacted and declared, that nothing in the said recited Act, or in this present Act contained, shall extend, or be construed to extend, to deprive the prosecutor or prosecutors of any such information as aforesaid, or the party or parties, defendant or defendants thereto, of any right, liberty, benefit, or advantage, to which, by the law of the land, or the rules of practice of the Court of King's Bench, such prosecutor

or prosecutors, defendant or defendants, is or are, or would, could, or might have been entitled, upon any other information of a like nature, depending in the said Court of King's Bench, before issue in fact joined therein; nor to prevent or restrict the said Court of King's Bench from exercising any such power or authority as would, could, or might have been legally exercised by the said Court of King's Bench, in the matter of any such information, before issue in fact joined therein, if the said former Act, or this present Act, had not been made; any thing in the said former Act, or this present Act, contained to the contrary notwithstanding.

XXIV. Provided also, and be it further enacted, that if the party or parties charged by any such information as aforesaid, shall enter a demurrer to such information, and such demurrer shall be over-ruled by the said Court of King's Bench, such party or parties shall, within eight days next after the said Court shall have given judgment on such demurrer, unless a writ of error shall be brought thereon, and then within eight days next after such judgment shall be affirmed, or such writ of error shall be nonprossed, enter the plea of not guilty to such information, or, in default thereof, the said plea of not guilty shall and may be entered, for and in the name or names of such party or parties, by his Majesty's Attorney-general, or other prosecutor; and the said information shall proceed in the like manner as if no demurrer had been entered thereto; any law, or the usage or practice of the said Court, to the contrary notwithstanding.

Mode of proceeding where demurrers are entered.

XXV. Provided also, and be it further enacted and declared, that if his Majesty's Attorney-general, or other prosecutor or prosecutors of any such information, shall be desirous of having the same proceeded in, tried, and determined in the said Court of King's Bench, and shall move the said Court for that purpose, then, and in every such case, the said Court shall grant a rule or order for retaining such information in the said Court, and the said information shall be accordingly retained by the said Court of King's Bench, and shall be heard, tried, adjudged, and determined by the said Court of King's Bench, in such and the same manner, to all intents and purposes, as an information of the like nature would, could, or might have been proceeded in, heard, tried, and determined, in and by the said Court, in case the said former Act, or this present Act, had not been made; any thing in the said former Act, or this present Act, contained to the contrary notwithstanding.

Informations may be determined in the Court of King's Bench.

XXVI. And be it further enacted, that whenever the party or parties, against whom any such information shall have been exhibited as aforesaid, shall be adjudged to pay a fine or fines to his Majesty, his heirs or successors; and also whenever any recognizance or recognizances entered into under the said former Act, or this present Act, shall become forfeited, the said Court of King's Bench, or, in case the said Court shall not be then sitting, the Lord Chief Justice of the same Court, shall and may forthwith, at the instance of his Majesty's Attorney-general, or other prosecutor, deliver to the Lord Chief Baron, or any other of the Barons of the Court of Exchequer, an estreat of the fine or fines, recognizance or recognizances, so adjudged or become forfeited respectively as aforesaid; and the said Lord Chief Baron, or other of the said Barons, shall thereupon, at the requisition of the said Attorney-general, or other prosecutor, authorize and direct the proper officer of the same Court to award, and such officer shall accordingly forthwith award, under the seal of the same Court, one or more special writ or writs of *extendi facias* and *capias*, or other special process, against the said party or parties adjudged to pay such fine or fines, or the principal or principals

How fines, &c. are to be recovered.

and sureties in such recognizance or recognizances respectively, and their lands, tenements, and hereditaments, goods, chattels, and effects, directed into such county or counties, cities, places, or liberties to the proper sheriffs or other officers of the same respectively, for the due execution thereof, as the said Attorney-general, or other prosecutor, shall desire or require in that behalf; and if such party or parties, or such principal or principals, and sureties, or any of them, shall have, or be seised or possessed of, or entitled to any lands, tenements, or hereditaments, goods, chattels, estate, or effects situate, lying, or being within that part of Great Britain called Scotland, or shall be resident in that part of the said United Kingdom, then and in either of such cases his Majesty's Court of Exchequer in Scotland, or, when the said Court shall not be sitting, the Lord Chief Baron, or any other of the Barons of the said Court of Exchequer in Scotland, upon a copy or transcript of the estreat of such fine or fines, recognizance or recognizances, being sent or transmitted into the same Court, or delivered to the said Lord Chief Baron, or any other of the Barons of the same Court, from and under the seal of the Court of Exchequer in England, or under the hand and seal of the Lord Chief Baron, or any other of the Barons thereof (and which copy or transcript the said Court of Exchequer in England, or, when the said Court shall not be sitting, the Lord Chief Baron, or any other of the Barons of the same Court, is and are hereby required, at the instance of his Majesty's Attorney-general or other prosecutor, to send and transmit accordingly), shall and may forthwith, at the instance of the said Attorney-general or other prosecutor, carry on such proceedings, and award such and the like process and processes as is and are competent by the law of that part of Great Britain called Scotland for recovery of debts due to the Crown.

Mode of recovering fines from property in the East-Indies, when the effects in Britain are insufficient.

XXVII. And be it further enacted, that if it shall at any time be made to appear to the satisfaction of the said Court of Exchequer in England, at the instance of his Majesty's Attorney-general or other prosecutor, by motion in the said Court on his or their behalf, that such party or parties, principal or principals, or sureties as aforesaid, or any of them, have no lands, tenements, or other estate or effects in Great Britain, or that the same (if any) are not sufficient to answer the sum or sums forfeited by such recognizance or recognizances, or due for such fine or fines respectively, and that such party or parties, principal or principals, or sureties, or any of them, shall have or be seised or possessed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, debts, estate, or effects within any of the British possessions in the East-Indies respectively (the said sum or sums, fine or fines not being paid and satisfied), then and in every such case the said Court of Exchequer shall and may, by rule or order of the said Court, cause one or more transcript or transcripts of the estreats of the said recognizance or recognizances, fine or fines, to be sealed with the seal of the said Court, or to be otherwise attested, as the said Court shall direct, and the same, so sealed or attested, shall be closed up under the seals of any two of the Barons of the said Court, directed to the Supreme Court of Judicature in Bengal, and to the Mayor's Courts at Madras and Bombay, or to any or either of the said Courts, as the case shall or may require; and the same shall be delivered by the said Barons, or one of them, to such agent or agents as the prosecutor or prosecutors shall nominate or appoint for that purpose, which agent or agents (or, in the case of his or their death, the person into whose hands the same shall come) shall deliver such transcript or transcripts to one of the Judges of the said Supreme Courts or Mayor's Courts respectively, as the case may be or require, and make oath that he or they did receive the same from the hands of one of the said Barons (or in what other manner the same came into his or their hands), and that the same hath not or have not been opened or altered since he or they so respectively received the same (which oath any of

the said Judges of any of the said Courts in India are hereby authorized and required to administer); and thereupon such transcript or transcripts shall be filed and recorded in such of the said Courts in India, to which the same shall be so directed, as the case may require; and, upon motion to be made in such Courts or Court for that purpose for and on the behalf of such prosecutor or prosecutors, the like process and proceedings shall and may from time to time be awarded and had by and in the said Supreme Court of Judicature, and the said Mayor's Courts at Madras and Bombay respectively, or any or either of them, against the lands, tenements, or hereditaments, goods, chattels, debts, estate, and effects of the said party or parties, principal or principals, and sureties, within the limits of the jurisdictions of such respective Courts in the East-Indies as might or could have been awarded or had in the said Court of Exchequer in England against the lands, tenements, hereditaments, goods, chattels, debts, estates, and effects of the same party or parties, principal or principals, or sureties in England, and the same shall be valid and effectual, any law, usage, or custom to the contrary notwithstanding.

XXVIII. And whereas it is by the said recited Act enacted, that in all cases of informations laid or exhibited by virtue of the said Act (1) in the Court of King's Bench for misdemeanors or offences committed in India, it shall be lawful for the said Court to award a writ or writs of *mandamus* to the Chief Justice and Judges of the Supreme Court of Fort William, or the Judges of the Mayor's Court of any of the British settlements in India, as the case may require, who are thereby respectively authorized and required accordingly to hold a court for the examination of witnesses, and receiving other proofs concerning the matters charged in such informations respectively, and that such examination shall be then and there openly taken, and reduced into writing, in manner therein mentioned, and sent to his Majesty, in his Court of King's Bench, closed up and under the seals of two or more of the Judges of the said Supreme Court, and that one or more of the Judges of the said Supreme Court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in court of his Majesty's Court of King's Bench, in the public office, and make oath that he received the same from the hands of one or more of the Judges of such Court in India (or in what manner the same came into his hands), and that the same hath not been opened or altered since he so received the same: and whereas a doubt may arise whether such examinations as may be taken by the Judges of the Mayor's Court in any of the British settlements in India, by force and virtue of the said Act, may be lawfully sent closed up, under the seals of the same Judges, and whether any one or more of the same Judges is or are empowered to deliver the same to the agent or agents of the party requiring the same: be it therefore enacted, that every examination which shall or may be had or taken by the Judges of the Mayor's Court of any of the British settlements in India by force and virtue of the said Act (being reduced into writing, as in the said Act is directed or mentioned) shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the Judges of the Mayor's Court of any of the British settlements in India, and one or more of the Judges of the same Court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks of his Majesty's Court of King's Bench, in the public office, and make such or the like oath as is in and by the said Act directed and prescribed, any thing in the said Act contained to the contrary notwithstanding.

Recital of 24 G. 3, c. 25, s. 88.

Examinations in India to be sealed up and given to the agents of the parties, to be delivered to the clerks of the King's Bench.

(1) [The Act here referred to (24 Geo. 3, cap. 25) contains various provisions respecting the Parliamentary Court of Judicature, which see.]

Persons resident in India amenable to the Courts there.

XXIX. And be it further enacted, that as well the servants of the said United Company as all other of his Majesty's subjects resident or to be resident in India, shall be and are hereby declared to be amenable to the Courts of Oyer and Terminer and Gaol Delivery and Courts of general or quarter Sessions of the Peace in any of the British settlements in India, for all murders, felonies, homicides, manslaughters, burglaries, rapes of women, perjuries, confederacies, riots, routes, retainings, oppressions, trespasses, wrongs, and other misdemeanors, offences, and injuries whatsoever by them done, committed or perpetrated, or to be by them hereafter done, committed, or perpetrated in any of the countries or parts of Asia, Africa, or America, beyond the Cape of Good Hope to the Straits of Magellan, within the limits of the exclusive trade of the said United Company, whether the same shall have been done, committed, or perpetrated, or shall hereafter be done, committed, or perpetrated against any of his Majesty's subjects, or against any other person or persons whatever.

Governor, &c. of Fort St. George, &c., to have jurisdiction in all matters, civil and criminal.

XXX. And be it further enacted and declared, that the Governor or President and Council of Fort Saint George, for the time being, in their Courts of Oyer and Terminer and Gaol Delivery, and quarter or general Sessions of the Peace, and also the Mayor's Court at Madras,(1) according to their several and respective judicatures, shall have cognizance and jurisdiction, as well civil as criminal, over all British subjects whatsoever, who now reside or shall hereafter reside within any of the forts, factories, towns, lands, or territories, in the possession of the said United Company, on the coast of Coromandel, or in any other part of the Carnatic, or the five northern Circars, including those parts of the said Circars which lie within the kingdom or province of Orixa, or within any of the dominions or territories of the Soubah of the Deckan, the Nabob of Arcot, or the Rajah of Tanjore.

(1) [The Mayor's Court was abolished and a Recorder's Court established under 37 Geo. 3, cap. 142. The Recorder's Court was replaced by a Supreme Court under 39 & 40 Geo. 3, cap. 79.]

So much of recited Act as relates to delivery of inventories of effects, &c. repealed.

XXXI. And be it further enacted, that so much of the said recited Act as requires or directs any person or persons now being, or who may hereafter be, in the service of the said United Company in India, to deliver any particular or inventory of his or their lands, tenements, goods, chattels, debts, securities for money, and other real and personal estate and property, or as subjects any such person or persons to any pain, penalty, or forfeiture, for any neglect or omission therein, or for any untrue specification of his or their estates or properties, or as directs any allowance or reward to be made or given to any person making discovery of any estate or property concealed, or not specified, disclosed, or described, by any such particular or inventory as aforesaid, shall be, and the same is hereby repealed.

General issue.

XXXVII. And be it further enacted, that if any suit or action shall be brought or commenced against the said Company, or any of their servants, or against any persons acting by their authority, for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing to England, of any person or persons found in the East-Indies, or other parts aforesaid, within the limits of the said Company's exclusive trade,

or as not being authorized to reside or traffic there,(1) the defendant or defendants to such suit or action, shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and the proof shall lie on the plaintiff or plaintiffs, upon the trial of the issue, to shew that at the time or times of arresting or seizing such person or persons respectively, for the cause aforesaid, in the manner in which the same shall be laid or charged to have been done, in and by the declarations or declaration in such suits or actions, the person or persons so arrested or seized, was or were in the military or marine service of the King's Majesty, his heirs or successors, or was or were under covenant to serve the said Company in India, or was or were duly possessed of a licence or licences in writing, authorzing him or them to go to or reside and traffic in India, or other the said parts and limits, or that the person or persons (not being in his Majesty's service) was or were, at the time or times of his or their being seized or arrested, entitled or authorized, by the stipulations of such covenants or licences respectively, to remain and continue in India, or other the parts and limits aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become non-suited, and in such case, or in any other case wherein the plaintiff or plaintiffs in any such suit or action shall become non-suited, or wherein judgment shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defendant or defendants, the defendant or defendants shall have treble costs awarded, to be paid by the respective plaintiff or plaintiffs in such suit or action; any law, statute, or provision, to the contrary notwithstanding. (2)

Treble costs.

(1) [This and all similar provisions can now be applicable only to a residence in those parts of India excepted from the general permission contained in the Act 3 & 4 Wm. 4, cap. 85, sec. 81 to 83.]

(2) [*Vide* 10 Geo. 3, cap. 47, sec. 5 & 7; 53 Geo. 3, cap. 155, sec. 123 & 124; and 55 Geo. 3, cap. 84, sec. 9.]

Bonds executed in the East-Indies shall be evidence in Britain, and contrariwise, on proof of the handwriting of the parties.

XXXVIII. And whereas great difficulties, expense, and delay, often arise in giving proof in Great Britain of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in the East-Indies; and the like difficulties, expense, and delay, also arise in giving proof in the East-Indies, of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in Great Britain; for remedy thereof, be it enacted, that whenever any bond, or other deed or writing, executed in the East-Indies, and attested by any person or persons resident there, shall be offered in evidence in any of the Courts of Justice in Great Britain, it shall be sufficient to prove, by one or more credible witness or witnesses, that the name or names subscribed to such bond, deed, or writing, purporting to be of the hand or handswriting of the obligor or obligors to such bond, or of the party or parties to such deed or writing, is or are of the proper handwriting or handswriting of such obligor or obligors, party or parties, respectively, and that the name or names set and subscribed of the witness or witnesses attesting the execution of the same, respectively, is or are of the proper hand or handswriting of the witness or witnesses so attesting the same, and that such witness or witnesses is or are resident in the East-Indies; and, in like manner, all Courts of Justice in the East-Indies shall admit the like proof of the execution of bonds and other deeds and writings executed in Great Britain, and witnessed by any person or persons resident in Great Britain: and such proofs shall be deemed and taken to be as valid and sufficient evidence of the due execution of such bonds, and other deeds and writings, as if the witness or witnesses thereto was or were dead.

26 GEORGII III. Cap. LXII.

An Act *to enable the East-India Company to raise money by a Sale of Annuities, and by increasing their Capital Stock.*

The greater part of this Act relates to an augmentation of the Capital Stock of the Company, for which see note on 3 & 4 Wm. 4, cap. 85, sec. 11.

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28 GEORGII III. Cap. VIII.

An Act *for removing any doubt respecting the Power of the Commissioners for the Affairs of India to direct that the expense of raising, transporting, and maintaining such Troops as may be judged necessary for the security of the British Territories and Possessions in the East-Indies, should be defrayed out of the Revenues arising from the said Territories and Possessions; and for limiting the application of the said Revenues in the manner therein mentioned.*

Preamble. 24 G. 3, Sess. 2, c. 25, recited.

Whereas, by an Act passed in the twenty-fourth year of the reign of his present Majesty, intituled "An Act for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India; and for establishing a Court of Judicature for the more speedy and effectual trial of Persons accused of Offences committed in the East-Indies," his Majesty is empowered to nominate and appoint a Board of Commissioners for the affairs of India: and whereas, by the said Act, the said Board of Commissioners is invested with the superintendence and control over all the British territorial possessions in the East-Indies, and over the affairs of the United Company of Merchants trading thereto, in the manner in the said Act directed; and is likewise authorized and empowered, from time to time to superintend, direct and control all acts, operations, and concerns, which in anywise relate to the civil or military governments or revenues of the said possessions, in the manner in the said Act directed: and whereas the Court of Directors of the said Company is required by the said Act to pay due obedience to, and to be governed and bound by, such orders and directions as the said Court shall from time to time receive from the said Board, touching the civil or military government and revenues of the said possessions: and whereas, nevertheless, doubts have been raised, whether the said Commissioners are, under the said Act, empowered at any time to direct, that the expense of raising, transporting, and maintaining such forces as may be judged necessary for the security of the British territories and possessions in the East-Indies, shall be defrayed out of the revenues arising from the said territories and possessions, unless such troops are sent at the express requisition of the East-India Company; and particularly whether, under the circumstances now existing, the said Commissioners are not restrained, by certain provisions contained in the said Act, from giving such directions with respect to the expense of raising, transporting, and maintaining any forces which may be sent to India for the security of the said possessions, in addition to the forces now there; and whereas it appears that by reason of the said doubts, the said Directors have delayed to take measures for transporting in the said Company's ships the forces which his Majesty has judged necessary

by orders which have been sent to India, unless proposed by the Directors, &c.

or gratuities to be paid therefrom to any person on account of services performed in India; be it therefore further enacted by the authority aforesaid, that it shall not be lawful for the Commissioners for the affairs of India to give, or cause to be given, any directions, ordering or authorizing, by any despatches to be sent to India, the increase of the established salaries, allowances, or emoluments of any office in the service of the said Company, beyond the amount to which the same are now fixed by the orders which have been sent to India, unless such increase shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Commissioners for their approbation; and unless an account of the actual salaries, allowances, and emoluments of such office, and of the increase proposed to be made therein, with reasons for such increase, shall have been laid before both Houses of Parliament thirty days before such despatch shall be sent (1).

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 17, and 3 & 4 Wm. 4, cap. 85, sec. 110.]

Commissioners not to give directions for payment of any gratuity, but such as shall be specified in despatches proposed by the Directors, &c.

IV. And be it further enacted, that it shall not be lawful for the said Commissioners to give, or cause to be given, any direction for the payment of any extraordinary allowance or gratuity from the said revenues, to any person, on account of services performed in India, or on any other account whatever, to any greater amount, or to any other person, than shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Commissioners for their approbation; and that in every case where any such directions shall be so given, a distinct account of all such allowances or gratuities shall be added to the next list of establishments laid before Parliament by the said Court of Directors (1).

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 18, and 3 & 4 Wm. 4, cap. 85, sec. 110.]

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28 GEORGII III. Cap. XXIX.

An Act *to enable the East-India Company to borrow a further sum of Money upon Bond.*

This Act empowered the Company to increase their Bond Debt, by the sum of £1,200,000. See note on 34 Geo. 3, cap. 41.

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29 GEORGII III. Cap. LXV.

An Act *to enable the East-India Company to raise Money by further increasing their Capital Stock.*

The title renders unnecessary any observation on the object of this Act. For its effect, see note on 3 & 4 Wm. 4, cap. 85. sec. 11.

to be sent to India for the security of the said possessions: therefore, for obviating every such doubt, may it please your Majesty that it may be enacted and declared; and be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Board of Commissioners for the affairs of India was and is by the said Act fully authorized and empowered to order and direct that all the expenses incurred, or to be hereafter incurred, for raising, transporting, and maintaining such forces as shall be sent to India for the security of the said territories and possessions, shall be paid, defrayed, and borne out of the revenues arising from the said territories and possessions; and that nothing in the said Act contained extended or extends, or shall be construed to extend, to restrain, or to have restrained, the said Commissioners from giving such orders or directions as aforesaid, with respect to the expense of raising, transporting, and maintaining any forces which may be sent to India for the security of the said possessions, in addition to the forces now there. (1)

Board of Commissioners, appointed under the recited Act, empowered to direct all expenses for raising, &c. forces sent to India, to be defrayed out of the revenues of the territories there.

(1) [The 24 Geo. 3, cap. 25, referred to in this section, was repealed by 33 Geo. 3, cap. 52, sec. 146, with the exception of certain parts, for which see the note preceding the extracts in this volume from the first-named Act; but sec. 149 of 33 Geo. 3, cap. 52, expressly reserves the powers given or declared by this Act, and sec. 128 enacts that the actual expenses of the forces of the Crown in India, and of raising and supplying recruits for the same, shall be borne by the Company. By sec. 1 of the 4 Geo. 4, cap. 71, the Company are also to pay £60,000 per annum for retiring pay, pensions, and other expenses of that nature, in respect of such forces.]

II. Provided always, and be it enacted by the authority aforesaid, that it shall not be lawful for the said Commissioners to give or approve any such direction as aforesaid with respect to the payment of any greater number of his Majesty's forces than shall amount in the whole to eight thousand and forty-five men, including the commissioned and non-commissioned officers; or of the European forces of the East-India Company, than shall amount in the whole to twelve thousand two hundred men, including the commissioned and non-commissioned officers. (1)

Commissioners not to give directions for the payment of a greater number of troops than herein specified.

(1) [The 31 Geo. 3, cap. 10, allowed the Board of Commissioners for the affairs of India, at any time before the 25th March, 1792, to increase the forces of the Crown by 2,682 men, in addition to the number granted by the above section. By 53 Geo. 3, cap. 155, sec. 87, the number may be increased to 20,000 men, and a further increase may take place on the requisition of the Court of Directors, but not otherwise.]

III. And whereas it is expedient that further provisions should be made for limiting the application of the said revenues, with respect to the established salaries and allowances to be paid therefrom to any person in India, and with respect to any extraordinary allowances

Commissioners not to give directions for increasing salaries beyond the amount fixed

31 GEORGII III. Cap. X.

An Act *for altering and amending so much of an Act, passed in the twenty-eighth Year of his Majesty's Reign, intituled "An Act for removing any Doubt respecting the Power of the Commissioners for the Affairs of India, to direct that the Expense of raising, transporting, and maintaining, such Troops as may be judged necessary for the Security of the British Territories and Possessions in the East-Indies, should be defrayed out of the Revenues arising from the said Territories and Possessions; and for limiting the Application of the said Revenues in the manner therein mentioned, as relates to such Directions as shall be given or approved by the said Commissioners with Respect to the Payment of certain Proportions of his Majesty's Forces in India, and of the European Forces of the East-India Company therein specified.*

This Act allowed the Board of Commissioners for the affairs of India to make within a specified time, a limited addition to the forces of the Crown in India. See note on Section 2 of the 28 Geo. 3, cap. 8.

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33 GEORGII III. Cap. XIII.

An Act *to prevent Acts of Parliament from taking effect from a time prior to the passing thereof.*

Clerk of the Parliament to endorse on every Act the time it receives the royal assent, which shall be its commencement, when no other is provided.

Whereas every Act of Parliament in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the Session of Parliament in which such Act is passed; and whereas the same is liable to produce great and manifest injustice; for remedy whereof; be it enacted; and it is hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled, and by the authority of the same, that the clerk of the Parliament shall endorse (in English) on every Act of Parliament which shall pass after the eighth day of April one thousand seven hundred and ninety-three, immediately after the title of such Act, the day, month, and year when the same shall have passed and shall have received the Royal assent; and such endorsement shall be taken to be a part of such Act, and to be the date of its commencement where no other commencement shall be therein provided.

33 GEORGII III. Cap. XLVII.

An Act *for placing the Stock called East-India Annuities under the Management of the Governor and Company of the Bank of England, and ingrafting the same on the Three Pounds per Centum Reduced Annuities, in Redemption of a Debt of four millions two hundred thousand Pounds, owing by the Public to the East-India Company; and for enabling the said Company to raise a Sum of Money, by a further Increase of their Capital Stock, to be applied in Discharge of certain Debts of the said Company.* [7*th June* 1793.]

Sections 8 to 13 of this Act provide for an increase of the capital Stock of the Company. See note on 3 & 4 Wm. 4, cap. 85, sec. 11.

Sections 14 and 15 have reference to the reduction and increase of the Bond Debt. See note on 34 Geo. 3, cap. 41.

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33 GEORGII III. Cap. LII.

An Act *for continuing in the East-India Company, for a further term, the possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain uses the Revenues and Profits of the said Company; and for making provision for the good order and government of the Towns of Calcutta, Madras, and Bombay.* - [11*th June* 1793.]

Preamble. 21 G. 3, c. 65. Whereas it is expedient that the exclusive trade of the United Company of Merchants of England trading to the East-Indies, within the limits of their Charter, which, by an Act made in the twenty-first year of his Majesty's reign, for establishing an agreement with the said Company, and other purposes, was continued to them for a term thereby limited, should be further continued to them and their successors, under certain limitations and restrictions, for a term of twenty years, to be computed from the first day of March, one thousand seven hundred and ninety-four, liable to be discontinued at or after the end of such period, upon three years' notice, previously given by Parliament for that purpose; and that during the said further term all the territorial acquisitions obtained in the East-Indies, which, by an Act
7 G. 3, c. 57. made in the seventh year of his Majesty's reign, for establishing an agreement for the payment of a certain annual sum for a limited time by the said Company, in respect of the said acquisitions and the revenues thereof, and by subsequent Acts were continued in the possession of the said Company, together with the territorial acquisitions lately obtained there, with the revenues of the same respectively, should remain in the possession of the said Company, without prejudice to the claims of the public, or of the said Company, subject to such powers and authorities for the superintendence, direction, and control over all acts, operations, and concerns, which relate to the civil or military government or revenues of the said territories, as have been already made or provided by any Act or Acts of Parliament in that behalf, or to such further powers, and under and subject to such other rules, regulations, and restrictions, relating to or concerning the said civil government, and the appropriation of the said revenues, as shall be now made and provided by the authority of Parliament: may it therefore please

your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said territorial acquisitions in the said former Acts mentioned, together with the territorial acquisitions lately obtained in the East-Indies, with the revenues thereof respectively, shall remain and continue in the possession of the said United Company for and during the further term by this Act granted to them in the said exclusive trade, subject nevertheless to the several regulations and provisions in this Act contained.

Territorial acquisitions, with the revenues, to continue in the possession of the East-India Company for a further time.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs and successors, by any Letters Patent, or by any commission or commissions to be issued under the great seal of Great Britain, from time to time to nominate, constitute, and appoint, during his or their pleasure, such Members of the Privy Council (of whom the two principal Secretaries of State, and the Chancellor of the Exchequer for the time being, shall always be three), and such other two persons as his Majesty, his heirs or successors, shall think fit to be, and who shall accordingly be and be styled Commissioners for the affairs of India. (1)

His Majesty may appoint Commissioners for the affairs of India.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 19 & 20, the constitution of the Board is in some respects varied. The office of Commissioner is not restricted to members of the Privy Council, and the following great Officers of State are to be *ex officio* Commissioners:—the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the principal Secretaries of State (now three), and the Chancellor of the Exchequer.]

III. And be it further enacted, that any three or more of the said Commissioners shall and may form a Board, for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the said Commissioners; and that the first named Commissioner in any such Letters Patent or Commission for the time being shall be the President of the said Board; and that when any Board shall be formed in the absence of the President, the Commissioner whose name shall stand next in the order of their nomination in the said Commission, of those who shall be present, shall for that turn preside at the said Board. (1)

Three Commissioners may form a Board, &c.

[By 3 & 4 Wm. 4, cap. 85, sec. 21, two Commissioners are sufficient to constitute a Board.]

IV. And be it further enacted, that if the Commissioners present at any Board shall be equally divided in opinion, in respect to any matter by them discussed, then, and on every such occasion, the President, or in his absence the Commissioner acting as such, shall have two voices, or the casting vote.

President to have the casting vote.

V. And be it further enacted, that the said Board of Commissioners shall and may nominate and appoint such secretaries and officers as shall be necessary to attend upon the said Board, who shall be subject to dismission at the pleasure of the said Board; and that the proceedings of the said Commissioners shall be entered in proper books; and that as well the

Board may appoint officers.

Salaries to be fixed by his Majesty, &c.

said Commissioners, or such and so many of them as his Majesty shall think fit, as likewise their secretaries and other officers, shall be paid such fixed salaries as his Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct; and that in the mean time the salaries and allowances already granted to the secretaries and officers of the present Board of Commissioners for the affairs of India, shall be continued; all which salaries, together with all other contingent charges and expenses to be incurred by the said Board, shall be paid and defrayed quarterly by the said Company, and deemed and taken as part of their commercial charges, the quarterly amount thereof being first settled and allowed by the said Board, and certified by the President or acting President of the said Board for the time being, to the Court of Directors of the said Company: provided always, that the whole of the salaries to be paid to the members of the said Board shall not exceed the sum of five thousand pounds in any one year; and that the whole of the salaries, charges, and expenses of the said Board, exclusive of the salaries of the members of the said Board, shall not exceed the sum of eleven thousand pounds in any one year. (1)

The whole salaries to members of the Board not to exceed £5,000 annually, &c.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 23, it is enacted that no Commissioner as such, except the President, shall receive a salary. By 53d Geo. 3, cap. 155, sec. 90, the total amount of salaries and charges is fixed at twenty-six thousand pounds, exclusive, however, of superannuations granted under section 91 of that Act. Provision is made by 3 & 4 Wm. 4, cap. 85, sec. 6, for extraordinary charges arising out of the cessation of the Company's trade; but by sec. 110, the sum payable by the Company on account of the Board, is not to be increased beyond the fixed amount, except for defraying those charges.]

Commissioners to take the following

VI. Provided also, and be it further enacted, that the said Commissioners, before they shall proceed to act in execution of any of the powers or authorities vested in them (save only the power of administering the oath aftermentioned) shall severally take and subscribe the following oath; (that is to say):

Oath.

"I, A. B., do faithfully promise and swear, that as a Commissioner or Member of the "Board for the affairs of India, I will give my best advice and assistance for the good "government of the British possessions in the East-Indies, and the due administration of "the revenues of the same, according to law, and will execute the several powers and "trusts reposed in me according to the best of my skill and judgment, without favour or "affection, prejudice or malice, to any person whatever."

Which oath any two of the said Commissioners shall and are hereby empowered to administer to the others of them, or any of them; and the said oath shall be entered by their chief secretary amongst the acts of the Board, and be duly subscribed and attested by the said Commissioners, at the time of their taking and administering the same to each other respectively.

VII. And be it further enacted, that the several secretaries and other officers of the said Board, shall also take and subscribe before the said Board, such oath of secrecy and for the execution of the duties of their respective stations, as the said Board shall direct. (1)

(1) [See 3 & 4 Wm. 4, cap. 85, sec. 24.]

VIII. And for obviating any doubt which might otherwise arise, how far the office or appointment of a Commissioner of the said Board for the affairs of India, by virtue of this Act, or of the chief secretary to the said Board, be within any of the provisions contained in an Act of the sixth year of the reign of Queen Anne, intituled, "An Act for the security of Her Majesty's Person and Government, and of the succession to the Crown of Great Britain, in the Protestant Line," or how far the appointment of any such Commissioner or Secretary, being a member or members of the House of Commons, shall vacate his or their seat or seats in that house, be it further enacted and declared, that the said respective offices, places, or appointments of a Commissioner or Chief Secretary of the said Board for the affairs of India, to be made under the authority of this Act, shall not be deemed or taken to be within the intent or purview of the said Act of the sixth year of Queen Anne, whereby to disqualify any such Commissioner or Chief Secretary from being elected, or sitting or voting as a member of the House of Commons; nor shall the appointment of any such Commissioner, not having any special salary annexed to such appointment, or the said Chief Secretary, if a member or members of the House of Commons, vacate his or their seat or seats in the said house; any thing contained in the said Act of the sixth year of Queen Anne, or in any other Act, to the contrary notwithstanding. (1)

6 Annæ, c. 7.

Appointments of Commissioner, or Chief Secretary, not to disqualify from being elected to Parliament, &c.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 23, the Board appoint two secretaries, each of whom has the same powers, rights, and privileges as were previously vested in the chief secretary.]

IX. And be it further enacted, that the said Board of Commissioners shall by force and virtue of this Act have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns which in anywise relate to or concern the civil or military government or revenues of the said territories and acquisitions in the East-Indies, subject nevertheless to such directions, rules, regulations, and restrictions, and to such appropriations of the said revenues, as are by this Act made, provided, or established, and not otherwise, or in any other manner, any former Act or Acts to the contrary notwithstanding. (1)

Board to superintend all concerns relating to the civil or military government or revenues in the East-Indies.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 6, the power of control is extended to all Acts connected with the sale of the Company's commercial property.]

X. And be it further enacted, that the said Commissioners, or any of them, or their Chief Secretary, or any other of the officers of the said Board, by the order and authority of the said Board, shall have free access to the books, papers, letters of correspondence, evidences, and other records of the said Company, and be assisted by the proper officers of the said Company in their searches for the same, and furnished, by and at the expense of the said Company, with copies or extracts of so many or such parts thereof respectively as the said Board shall require. (1)

Commissioners, or their officers, to have access to the books of the Company, &c.

(1) [By 53 Geo. 3, cap. 155, sec. 78, the Board may direct the preparation of such accounts, statements, and abstracts as they may think fit.]

Court of Directors to deliver to the Board copies of all proceedings, and of despatches received relating to the civil or military government or revenues.

XI. And be it further enacted, that the Court of Directors of the said Company for the time being shall, and they are hereby required, from time to time, to deliver to the said Board copies of all minutes, orders, resolutions, and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within eight days after the holding of such Courts respectively, and also copies of all letters, advices, and despatches which shall at any time or times be received by the said Court of Directors, or any committee of Directors from the East-Indies, or from any other of their settlements or factories within the limits of their exclusive trade, or from any of the servants of the said United Company, stationed at Saint Helena, Bussora, Suez, Aleppo, or other parts beyond the seas, in any wise relating to or concerning the civil or military government, or the revenues of the said territories and acquisitions in India, immediately after the arrival and receipt thereof. (1)

(1) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 29, to all documents which shall be material, or which the Board may require.]

Orders relating to the civil or military government or revenues to be submitted to the consideration of the Board, who may alter the same, &c.

XII. And be it further enacted, that no orders or instructions whatever relating to the civil or military government or revenues of the said territorial acquisitions in India, shall be at any time sent or given to any of the governments or settlements in India, by the Court of Directors of the said United Company or by any committee of the said Directors, until the same shall have been submitted to the consideration of, and approved by the said Board; (1) and for that purpose, that copies of all orders and instructions which the said Court of Directors, or any committee of the said Directors shall propose to be sent to India, shall be by them previously laid before the said Board, and that within the space of fourteen days (2) after the receipt of such proposed despatches, the said Board shall either return the same to the said Court of Directors, or committee of Directors, with their approbation thereof certified under the hand of the chief secretary to the said Board, by the order of the said Board, or if the said Board shall disapprove, alter, or vary in substance any of such proposed orders or instructions, in every such case the said Board shall give to the said Directors in writing, under the hand of the chief secretary of the said Board, by order of the said Board, their reasons at large in respect thereof, together with their instructions to the said Directors in relation thereto: and that the said Directors shall, and they are hereby required forthwith to dispatch and send the letters, orders, and instructions, in the form approved of by the said Board, to the proper governments or officers in India, or other limits, without further delay, unless on any representation made to them by the said Directors, the said Board shall order any alterations to be made therein; and that the Directors of the said Company for the time being shall, and are hereby required to pay obedience to, and shall be governed and bound by, such orders and instrucions as they shall from time to time receive from the said Board of Commissioners, touchng or concerning the civil and military government of the said territories and acquisitions, and the revenues of the same, according to the tenor and true intent of this Act.

(1) [By later enactments the power of control is extended to all official communications, except those with the home establishment, and the law advisers of the Company. 3 & 4 Wm. 4, cap. 85, secs. 30, 34.]

(2) [By 53 Geo. 3, cap. 155, sec. 71, and 3 & 4 Wm. 4, cap. 85, sec. 30, the time for returning drafts of despatches, &c. is extended to two months.]

Directors may make representations touching orders altered or disapproved by the Board.

XIII. Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing by representation in writing to the said Board, such remarks, observations, or explanations as shall occur, or they shall think fit, touching or concerning any letters, orders, or instructions, which shall have been varied in substance, or disapproved by the said Board; (1) and that the said Board shall, and they are hereby required, to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further orders or instructions thereupon as they shall think fit and expedient; which orders or instructions shall be final and conclusive upon the said Directors.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 32, the time for making such representation is limited to fourteen days; subject, in cases where the legality of the orders is disputed, to a reference to three Judges of the Court of Queen's Bench (sec. 33).]

Board not to nominate any of the servants of the Company.

XIV. Provided also, and be it further enacted and declared, that nothing in this Act contained, shall extend to give to the said Board of Commissioners the power of nominating or appointing any of the servants of the said United Company, any thing herein contained to the contrary notwithstanding.

If the Directors neglect to frame despatches beyond fourteen days after requisition, the Board may prepare instructions, and the Directors shall forward them to India.

XV. And be it further enacted, that whenever the Court of Directors of the said United Company shall neglect to frame, and to transmit to the said Board, despatches on any subject connected with the civil or military government of the said territories and acquisitions, or with the revenues thereof, beyond the space of fourteen days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors (without waiting for the receipt of the copies of despatches intended to be sent by the said Directors) any orders or instructions for any of the governments or presidencies in India, concerning the civil or military government of the said territories, or the revenues thereof: and the said Directors shall, and they are hereby required to transmit despatches, according to the tenor of the said orders and instructions so transmitted to them by the said Board, unto the respective governments and presidencies in India, unless, on any representation made by the said Directors to the said Board, touching such orders or instructions the said Board shall direct any alteration to be made in the same; which directions the said Court of Directors shall, in such case, be bound to conform to. (1)

(1) [Extended to all official communications by 3 & 4 Wm. 4, cap. 85, sec. 31.]

Board not to direct the increase of established salaries, unless proposed by the Directors and laid before Parliament;

XVII. Provided also, and be it further enacted, that it shall not be lawful for the said Board to give or cause to be given any directions, ordering or authorising, by any despatches to be sent to India, the increase of the established salaries, allowances, or emoluments of any Governor-general, Governor, or President, or Member of Council of any of the Presiden-

cies and settlements there, or of any other officer in the service of the said Company, beyond the amount to which the same now stands fixed by the orders which have been sent to India, unless such increase shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Board for their approbation, and unless an account of the actual salaries, allowances, and emoluments of such Governor-general, Governor, or President, or Member of Council, or other officer respectively, and of the increase proposed to be made therein, with the reasons for such increase, shall have been laid before both Houses of Parliament thirty days before such despatch shall be sent.(1)

(1) [*Vide* 28 Geo. 3, cap. 8, sec. 3, and 3 & 4 Wm. 4, cap. 85, sec. 110.]

nor to direct any gratuity, but such as shall be proposed by the Directors, &c.

XVIII. Provided also, and be it further enacted, that it shall not be lawful for the said Board to give, or cause to be given, any direction for the payment of any extraordinary allowance or gratuity from the said revenues to any person, on account of services performed in India, or on any other account whatever, to any greater amount, or to any other person than shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Board for their approbation; and that in every case where any such directions shall be so given, a distinct account of all such allowances or gratuities shall be added to the next list of establishments laid before Parliament by the said Court of Directors. (1)

(1) [*Vide* 28 Geo. 3, cap. 8, sec. 4, and 3 and 4 Wm. 4, cap. 85, sec. 110.]

Board may send orders to Secret Committee of Directors, who shall transmit the same to India.

XIX. Provided also, and be it further enacted, that if the said Board of Commissioners shall be of opinion that the subject matter of any of their deliberations concerning the levying war, or making peace, or treating or negotiating with any of the native princes or states in India, (1) intended to be communicated in orders to any of the Governments or Presidencies in India, (2) shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders and instructions to the Secret Committee of the said Court of Directors, to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit their orders and despatches, according to the tenor of the said orders and instructions of the said Board to the respective Governments and Presidencies in India; and that the said Governments and Presidencies shall be bound to pay a faithful obedience thereto, in like manner as if such orders and instructions had been sent to them by the said Court of Directors.

(1) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 36, by adding the words "or with any other Princes or States, or touching the policy to be observed with respect to such Princes or States."]

(2) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 36, to orders of the character specified to any officers or servants of the Company.]

Directors to appoint a Secret Committee who shall take oath.

XX. And be it further enacted, that the said Court of Directors shall from time to time appoint a secret Committee, to consist of any number not exceeding three of the said Directors,

for the particular purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an oath of the tenor following. (1) * * * * * * *
Which said oath shall and may be administered by the several and respective members of the said Secret Committee to each other; and, being so by them taken and subscribed, the same shall be recorded by the Secretary of the said Court of Directors for the time being amongst the Acts of the said Court. (2)

(1) [The prescribed oath is here omitted, having been replaced by others which will be found in 53 Geo. 3, cap. 155, sec. 74, and 3 and 4 Wm. 4, cap. 85, sec. 35.]

(2) [The directions for the appointment of a Secret Committee, and the administration of an oath to its members are repeated in 3 and 4 Wm. 4, cap. 85, sec. 35, where also it is provided that the record may be made either by the Secretary or the Deputy-secretary.]

Despatches of the Secret Committee to be prepared only by the Secretary or Examiner of Indian Correspondence (except with approbation of Board), and every person so employed shall take an oath of secrecy.

XXI. And be it further enacted, that if the said Secret Committee, in the execution of their said powers and trusts, shall find it necessary to employ any person in transcribing or preparing any secret despatches, orders, or instructions, required to be transmitted by them to India, under the direction of this Act, the said despatches, orders, and instructions, shall be transcribed and prepared, either by the Secretary of the Court of Directors for the time being, or by the officer called the Examiner of Indian Correspondence for the time being, and by no other person or persons, unless with the approbation and consent of the said Board of Commissioners for the affairs of India, for that purpose first had and obtained; and that as well the said Secretary and Examiner, as every other person who shall be entrusted with the transcribing or preparing any of such despatches, orders, or instructions, shall, before they respectively enter upon that duty, take and subscribe, before any of the members of the said Secret Committee, an oath of secrecy, as near unto the tenor and form of the oath herein-before provided and directed to be taken by the members of the said Secret Committee as the case will admit; and the members of the said Committee, or any two of them, are hereby authorized and required to frame and administer such oath accordingly, and to attest the taking and subscribing of the same by the said Secretary and Examiner, and all other persons who shall be employed by them as aforesaid, and to cause the same to be recorded amongst the Acts of the said Court of Directors. (1)

(1) [Oath varied by 53 Geo. 3, cap. 155, sec. 75.]

Presidencies in India may send despatches to the Secret Committee, who shall deliver them to the Board.

XXII. Provided also, and be it further enacted, that when any of the Governments or Presidencies in India shall be of opinion that any of their despatches to Great Britain, concerning the Government of the said territories and acquisitions, or the levying of war, or making peace, or negotiations or treaties with any of the Native Princes or States of India, shall be of a nature to require the same to be kept secret, it shall be lawful for the said Governments or Presidencies respectively to address their despatches requiring such secrecy, under cover, sealed with their seals, unto the said Secret Committee of Directors of the said Company, for the inspection of such Committee, and that immediately upon the arrival of such despatches so addressed, the said Secret Committee of Directors shall deliver the same, or copies thereof to the said Board. (1)

*

(1) [By 53 Geo. 3, cap. 155, sec. 73, the rule of secrecy with respect to despatches addressed by order of the Board *to* the Governments of India is applied to the contents of despatches received by the Secret Committee *from* those Governments.]

Orders of the Directors touching the civil or military government, or the revenues, after approbation by the Board, not revocable by the Proprietors.

XXIII. And be it further enacted, that no order or resolution of the Court of Directors of the said Company, touching or concerning the civil or military government or revenues of the said territories and acquisitions in India, after the same shall have received the approbation of the Board of Commissioners for the affairs of India, shall be liable to be rescinded, suspended, revoked, or varied by any General Court of Proprietors of the said Company.

Section 24 contains provisions for the constitution of the Governments of the three Presidencies, which are superseded by the latter provisions contained in 3 and 4 Wm. 4, cap. 85.

Vacancies of Governors, &c. to be filled up by the Directors.

XXV. And be it further enacted, that all vacancies happening in the office of Governor-general of Fort William in Bengal, or of any of the members of the Council there, or of Governor of either of the Company's Presidencies or Settlements of Fort Saint George or Bombay, or of any of the members of the Council of the same respectively, or of Governor of the forts and garrisons at Fort William, Fort Saint George, or Bombay, or of Commander-in-chief of all the forces in India, or of any provincial Commander-in-chief of the forces there, all and every of such vacancies shall be filled up and supplied by the Court of Directors of the said United Company, the vacancies of any of the said members of Council being always supplied from amongst the list of senior merchants of the said Company, who shall have respectively resided twelve years in India in their service, and not otherwise, except as is herein-after otherwise provided. (1)

(1) [The approbation of the Crown is now necessary to the appointment of Governor-general, Governors of subordinate Presidencies, Commander-in-chief of all the forces in India, Provincial Commanders-in-chief, and also to that of the *fourth* ordinary Member of the Council of India. *Vide* 53 Geo. 3, cap. 155, sec. 80; and 3 and 4 Wm. 4, cap. 85, secs. 40, 42, 58, and 61. By 53 Geo. 3, cap. 155, sec. 82, and 3 & 4 Wm. 4, cap. 85, sec. 40, the twelve years' residence required as a qualification for councillor is reduced to ten. Under the same section of the Act last mentioned, military officers having completed the required period of service are eligible for appointment to the Council of India, and the *fourth* ordinary Member of that Council is to be a person not previously in the service of the Company.]

If the Directors neglect to fill up vacancies, his Majesty may supply them.

XXVI. Provided always, and be it further enacted, that when and so often as the said Court of Directors shall neglect, for the space of two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India, in the appointment of the said Court of Directors, shall have been received by the said Court, to

supply such vacancy, then and in every such case it shall be lawful for his Majesty, his heirs and successors, to construe and appoint, by writing under his or their royal sign manual (under the same restrictions and regulations as are hereinbefore provided with respect to the nominations and appointments made by the said Court of Directors) such person to supply such vacancy as his Majesty, his heirs and successors, shall think proper; and that every person so constituted and appointed shall have and be invested with the same powers, privileges, and authorities, as if he or they had been nominated and appointed by the said Court of Directors, and shall be subject to recall only by the King's Majesty, his heirs or successors; any thing herein contained to the contrary notwithstanding. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap 85, sec. 60.]

Directors may appoint persons provisionally to supply vacancies.

XXVII. And be it further enacted, that it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India, or on any event or contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke; but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary, or emolument appertaining thereto, until he shall be in the actual possession of such office, any Act or Statute to the contrary notwithstanding. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 61.]

How vacancies are to be supplied when no successors are on the spot, &c.

XXIX. And be it further enacted, that if any vacancy shall happen in the office of Governor-general of Fort William, or of Governor of Fort Saint George or Bombay respectively, when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case the Counsellor of the presidency wherein such vacancy shall happen, next in rank to the said Governor-general or Governor respectively, shall hold and execute the said office of Governor-general or Governor until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and if the Council Board shall happen during that interval to become reduced to one only member besides the acting Governor-general or Governor, then and in such case the person so acting as Governor-general or Governor shall be and is hereby empowered to call to the Council Board such one of the senior merchants of the said Company at such presidency where the vacancy shall occur as he shall think fit to be a temporary member of the said Board, and that the person so called shall accordingly sit and act as a member of the said Council, and shall have the same powers in all other respects as are given to persons appointed to the Council Board by the said Court of Directors until the arrival of a successor or other appointment made to the office of Governor-general or Governor respectively; and that every such acting Governor-general, Governor, and occasional Counsellor shall, during the time of their continuing to act as such respectively, be entitled to receive the several emoluments and advantages appertaining to the said offices by them respectively supplied, such acting Governor-general and Governor foregoing their salary and allowances of Counsellor for the same period. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 62 and 63.]

Next member of Council to Commander-in-chief to succeed to the temporary government of a Presidency, unless the Commander-in-chief shall have been provisionally appointed.

XXX. Provided always, and be it further enacted, that if at the time of any vacancy happening in the office of Governor-general or of a Governor of any of the said presidencies, no eventual successor appointed under the authority of this Act shall be present upon the spot, any Commander-in-chief, although he shall be then a member of the council of the presidency where such vacancy shall occur, shall not succeed to the temporary government of such presidency, unless such Commander-in-chief shall have been provisionally appointed to supply the same, but that the vacancy shall be supplied by the Counsellor next in rank at the Council Board to such Commander-in-chief, any thing herein contained to the contrary notwithstanding.

Vacancy of Counsellors, when no successors are on the spot, to be supplied by the Governor in Council from the senior merchants.

XXXI. And be it further enacted, that if any vacancy shall happen of the office of a Counsellor at either of the said presidencies when no person provisionally or otherwise appointed to succeed thereto shall be then resident on the spot, then and on every such occasion such vacancy shall be supplied by and at the nomination and appointment of the Governor-general in Council of Fort William, or the Governor in Council of Fort Saint George or Bombay respectively, from amongst the senior merchants in the said Company's service in India, and that the person or persons so nominated shall execute the said office, and shall have the same powers in all respects as are given to persons appointed to the Council Board by the said Court of Directors until a successor or successors shall arrive, duly appointed by the said Court of Directors, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office or offices during his or their continuance therein respectively. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 64.]

The Commander-in-Chief, when not the Governor at the Presidency, may, by the authority of the Directors, be the second Member of the Council.

XXXII. And be it further enacted, that when the office of Governor-general and the office of Commander-in-chief of all the forces in India shall not be vested in the same person, such Commander-in-chief shall and may, if specially authorized for that purpose by the said Court of Directors, and not otherwise, be a member of the Council of Fort William; and that when the offices of Governor of Fort Saint George and Commander-in-chief of the forces there shall be vested in different persons, or the offices of Governor of Bombay and Commander-in-chief of the forces in Bombay shall be vested in different persons, such respective Commander-in-chief shall and may, if specially authorized by the Court of Directors, and not otherwise, be a member of Council at the said respective presidencies; and that when any Commander-in-chief shall be appointed a member of any of the said councils, such Commander shall have rank and precedence at the Council Board next to the Governor-general or Governor of the same presidency; but no Commander-in-chief shall be entitled to any salary or emolument in respect of his being a member of any of the said councils, unless the same shall be specially granted by the Court of Directors of the said Company.(1)

(1) [*Vide* 45 Geo. 3, cap. 36, and 3 & 4 Wm. 4, cap. 85, sec. 40.]

The Commander-in-chief in India, not being Governor-general, while resident at Fort St. George or Bombay, shall be a Member of Council.

XXXIII. Provided always, and be it further enacted, that when the Commander-in-chief of all the forces in India (not being likewise Governor-general) shall happen to be resident at either of the presidencies of Fort St. George or Bombay, the said Commander-in-chief shall, from the time of his arrival and during his continuance at such presidency, be a member of the council of such presidency, and during that period the provincial Commander-in-chief of the forces of the same presidency, if he shall be a member of the council thereof, shall and may continue to sit and deliberate, but shall not have any voice at the Council Board.

XXXIV. And be it further enacted, that if any of the members of the council of either of the said presidencies shall by any infirmity or otherwise, be rendered incapable of acting, or of attending to act as such, or if any of such members shall be absent from the presidency, and the Governor-general or either of the said Governors shall be desirous of having the advice of a full council upon any urgent business, the Governor-general or such Governors respectively shall by virtue of this Act have full power and authority to call any provisional successor appointed, then on the spot, or there being none such on the spot, then any senior merchant on the spot, to assist at the Council Board for that turn, but that such provisional successor or other person shall not be entitled to any salary or other emolument in respect thereof, nor shall his acting as an occasional member of council, in manner aforesaid, deprive him of any office or employment he before enjoyed.

If any Member shall be incapable of attending, the Governor of the Presidency may call to the Council a provisional successor, &c.

XXXV. And be it further enacted, that it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any writing or instrument, under his or their sign manual, countersigned by the President of the Board of Commissioners for the affairs of India, to remove or recall any person or persons holding any office, employment, or commission, civil or military, under the said United Company in India for the time being, and to vacate and make void all or every, or any appointment or appointments, commission or commissions, of any person or persons to any such offices or employments; and that all and every the powers and authorities of the respective persons so removed, recalled, or whose appointment or commission shall be vacated, shall cease or determine at or from such respective time or times as in the said writing or writings shall be expressed and specified in that behalf; provided always that a duplicate or copy of every such writing or instrument, under his Majesty's sign manual, attested by the said president for the time being, shall, within eight days after the same shall be signed by his Majesty, his heirs or successors, be transmitted or delivered to the Chairman or Deputy Chairman for the time being of the said Company, to the intent that the Court of Directors of the said Company may be apprized thereof. (1)

His Majesty by sign manual, countersigned by the President of the Board, may remove any officer or servant of the Company in India.

(1) [*Vide* 3 and 4 Wm. 4, cap. 85, sec. 74.]

XXXVI. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to preclude or take away the power of the Court of Directors of the said Company from removing or recalling any of the officers or servants of the said Company, but that the said Court shall and may at all times have full liberty to remove, recall, or dismiss any of such officers, or servants, at their will and pleasure, in the like manner as if this Act had not been made, any Governor-general, Governor, or Commander-in-chief, appointed by his Majesty, his heirs or successors, through the default of appointment by the said Court of Directors, always excepted; any thing herein contained to the contrary notwithstanding. (1)

Act not to preclude the Directors from recalling their officers or servants.

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 80, and 3 and 4 Wm. 4, cap. 85, sec. 75; also sec. 26 of this Act, and sec. 60 of 3 and 4 Wm. 4, cap. 85.]

XXXVII. And be it further enacted, that the departure from India of any Governor-general, Governor, Member of Council, or Commander-in-chief, with intent to return to

Departure from India of any Governor-general, &c. with in-

tent to return to Europe, to be deemed a resignation of employment, &c.

While at the Presidency no resignation of a Governor-general, &c. to be valid, except delivered in writing to the secretary.

Regulation respecting salaries.

Europe, shall be deemed in law a resignation and avoidance of his office or employment; and that the arrival in any part of Europe of any such Governor-general, Governor, Member of Council, or Commander-in-chief, shall be a sufficient indication of such intent, and that no act or declaration of any Governor-general, or Governor, or Member of Council, during his continuance in the presidency whereof he was so Governor-general, Governor, or Counsellor, except by some deed or instrument in writing, under hand and seal, delivered to the secretary for the public department of the same presidency, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office; and that the salary and other allowances of any such Governor-general, or other officers respectively, shall cease from the day of such his departure, resignation, or surrender; and that if any such Governor-general, or any other officer whatever in the service of the said Company, shall quit or leave the presidency or settlement to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, his salary and allowances shall be deemed to have ceased from the day of his quitting such presidency or settlement, any law or usage to the contrary notwithstanding. (1)

(1) [*Vide* 3 and 4 Wm. 4, cap. 85, sec. 79. By 7 Geo. 4, cap. 56, sec. 3, if civil or military officers in the Company's service, having quitted their stations without proceeding, or intending to proceed, to Europe, should die during their temporary absence within the limits of the Company's Charter, or at the Cape of Good Hope, their representatives are entitled to payment of their salaries and allowances. By 7 Wm. 4, and 1 Vic. cap. 47, the provisions of 33 Geo. 3, cap. 52, sec. 37, and 3 and 4 of Wm. 4, cap. 85, sec. 79, are not to extend to officers under the rank of Governor or Member of Council, who may quit their Presidencies in consequence of sickness, under rules to be established by the local governments, with the sanction of the home authorities, and who shall proceed to any place within the limits of the East-India Company's Charter, the Cape of Good Hope, the Mauritius, or Saint Helena; nor to officers below such rank aforesaid proceeding with the permission of the Government of their own Presidency to another, for the purpose of embarking for Europe; provided that the port of departure shall not be more distant from the places they may have quitted than the ports of their own Presidency.]

Councils, in the first place, to consider matters proposed by the Governor, who may postpone any matters proposed by Counsellors.

XXXVIII. And be it further enacted, that the Governor-general and Counsellors of Fort William, and the several Governors and Counsellors of Fort Saint George and Bombay, shall at their respective council boards proceed in the first place to the consideration of such matters or questions as shall be proposed by the Governor-general, or by the Governors of

the said presidencies respectively; and as often as any matter or question shall be propounded by any of the said Counsellors, it shall be competent to the said Governor-general or Governor respectively, to postpone or adjourn the discussion thereof to a future day; provided that no such adjournment shall exceed forty-eight hours, nor shall the matter or question so proposed be adjourned more than twice without the consent of the Counsellor who proposed the same.

Proceedings to be expressed to be made by the Governor and Council, and signed by the secretary.

XXXIX. And be it further enacted, that all orders and other proceedings of the Governor-general and Council of Fort William shall be expressed to be made by the Governor-general in Council; and that all orders and other proceedings of the Governors and Council of Fort Saint George and Bombay respectively shall be expressed to be made by the Governor in Council, and not otherwise; (1) and that the several orders and proceedings of all the said presidencies shall, previous to their being published or put in execution, be signed by the chief secretary to the council of the presidency by the authority of the Governor-general in Council, or Governor in Council, as the case may be. (2)

(1) [*Vide* 3 & 4 Wm. 4. cap. 85, sec. 57.]

(2) [*Vide* Act of Government of India, No. 2 of 1834, in Appendix.]

Governor-general in Council at Fort William empowered to superintend the other Presidencies.

XL. And be it further enacted, that the Governor-general in Council at Fort William shall have and be invested, by virtue of this Act, with full power and authority to superintend, control, and direct the several Governments and Presidencies of Fort Saint George and Bombay, and all other Governments erected or to be erected by the said United Company, within the limits of their said exclusive trade, in all such points as shall relate to any negotiations or transactions with the country powers or states, or levying war or making peace, or the collection or application of the revenues of the said acquisitions and territories in India, or to the forces employed at any of such presidencies or governments, or to the civil or military government of the said presidencies, acquisitions, or territories, or any of them. (1)

(1) [*Vide* 13 Geo. 3, cap. 63, sec. 9. By 3 & 4 Wm. 4, cap. 85, sec. 39, the superintendence, direction, and control of the whole civil and military Government of India is vested in the Governor-general in Council; by section 59 of that Act the subordinate Governments are not to make or suspend laws excepting under urgent necessity, and then only provisionally; nor to create any new office, nor to grant any salary, allowance, or gratuity without the sanction of the Governor-general in Council: by section 65 they are bound to obey the instructions and orders of the Governor-general in Council in all cases whatsoever.]

The other Presidencies to obey the orders of the Governor-general in Council at Fort William, if not repugnant to instructions from England.

XLI. And in order to prevent the embarrassment and difficulty which may otherwise arise from any doubt whether the orders or instructions of the Governor-general in Council of Fort William relate to other points than those aforesaid, be it further enacted, that notwithstanding any doubt which may be entertained by the said presidencies or governments to whom such orders or instructions shall be given respecting the power of the Governor-general in

Council to give such orders, yet the said presidencies or governments shall be bound to obey such orders and directions of the said Governor-general in Council, in all cases whatever, except only where they shall have received positive orders and instructions from the said Court of Directors, or from the Secret Committee of Directors, by the authority of the said Board of Commissioners for the affairs of India, repugnant to the orders and instructions of the said Governor-general in Council, and not known to the said Governor-general and Council at the time of dispatching their orders and instructions as aforesaid; and the said Governor-general in Council shall, at the time of transmitting all such orders and instructions, transmit therewith the dates of and the times of receiving the last despatches, orders, and instructions, which they have received from the Court of Directors, or from the said Secret Committee, by the direction of the said Board of Commissioners, on any of the points contained therein; and the said presidencies, governments, and settlements, in all cases where they have received any orders from the said Court of Directors, or from the said Secret Committee by the direction of the Board of Commissioners as aforesaid, which they shall deem repugnant to the orders of the said Governor-general in Council of Fort William, and which were not known to the said Governor-general and Council at the time of dispatching their orders and instructions as aforesaid, shall forthwith transmit copies of the same, together with an account of all instructions or orders made by them in consequence thereof, to the Governor-general in Council of Fort William, who shall, after the receipt of the same, dispatch such further orders and instructions to the said presidencies, and governments or settlements, as the said Governor-general in Council may judge necessary thereupon. (1)

Governor-general to send dates, &c. of despatches from England, on points contained in instructions to Presidencies, &c. who shall transmit to him copies of any orders they deem repugnant thereto.

(1) [See note on section 40 of this Act.]

War not to be declared, &c. by the Governor-general in Council at Fort William without the command of the Directors, &c. except preparations of hostilities shall be made, &c.

XLII. And forasmuch as to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour, and policy of this nation: be it further enacted, that it shall not be lawful for the Governor-general in Council of Fort William aforesaid, without the express command and authority of the said Court of Directors, or of the said Secret Committee by the authority of the said Board of Commissioners for the affairs of India, in any case (except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities, against the British nation in India, or against some of the princes or states dependant thereon, or whose territories the said United Company shall be at such time engaged by any subsisting treaty to defend or guarantee), either to declare war or commence hostilities, or enter into any treaty for making war against any of the country princes or states in India, or any treaty for guaranteeing the possessions of any country princes or states; and that in any such case it shall not be lawful for the said Governor-general and Council to declare war or to commence hostilities, or to enter into any treaty for the making war against any other prince or state, than such as shall be actually committing hostilities, or making preparations as aforesaid, or to make such treaty for guaranteeing the possessions of any prince or state, but upon the consideration of such prince or state actually engaging to assist the Company against such hostilities commenced, or preparations made as aforesaid; and in all cases where hostilities shall be commenced, or treaty made, the said Governor-general and Council shall, by the most expeditious means they can devise, communicate the same unto the said Court of Directors, or to the said Secret Committee, together with a full state of the information and intelligence upon which they shall have commenced such hostilities, or made such treaties, and their motives and reasons for the same at large.

Communication of hostilities, &c. to be made to the Directors, &c.

XLIII. And be it further enacted, that it shall not be lawful for the Governors and Counsellors of Fort Saint George and Bombay, or of any other subordinate settlement, to make or issue any order for commencing hostilities, or levying war, or to negotiate or conclude any treaty of peace, or other treaty, with any Indian prince or state (except in cases of sudden emergency or imminent danger, when it shall appear dangerous to postpone such hostilities or treaty), unless in pursuance of express orders from the said Governor-general in Council of Fort William aforesaid, or from the said Court of Directors, or from the said Secret Committee by the authority of the said Board of Commissioners for the affairs of India; and every such treaty shall, if possible, contain a clause for subjecting the same to the ratification or rejection of the Governor-general in Council of Fort William aforesaid: and the said Governors and Counsellors, and other officers of the said presidencies of Fort Saint George and Bombay, or other settlements, respectively, are hereby required to pay and yield obedience to all such orders as they shall from time to time respectively receive from the said Governor-general in Council of Fort William aforesaid, concerning the matters aforesaid; and that all and singular the said Governors, Counsellors, and other officers, who shall refuse or wilfully neglect or forbear to pay obedience to such orders and instructions as they shall receive from the said Governor-general in Council of Fort William as aforesaid, shall be liable to be removed, dismissed, or suspended from the exercise of their respective offices or powers by order of the said Governor-general in Council of Fort William, and be sent to England, and be subject to such further pains and penalties as are or shall be provided by law on that behalf. (1)

Governments of Fort St. George or Bombay not to declare war, &c. but by orders from Fort William, or the Directors, &c.

Penalty on Governors, &c. of Fort St. George and Bombay for neglect of orders from Fort William.

(1) [See note on section 40.]

XLIV. And be it further enacted, that the Governors and Counsellors of the said Presidencies of Fort Saint George and Bombay respectively for the time being, and the Governors and Counsellors, or other chief officer or officers of and belonging to any other British settlement in India, shall and they are hereby respectively required, constantly and diligently to transmit to the said Governor-general in Council at Fort William aforesaid, true and exact copies of all orders, resolutions, and acts in council of their respective governments, presidencies, and councils, and also advice and intelligence of all transactions and matters which shall come to their knowledge, material to be communicated to the Governor-general in Council of Fort William aforesaid, or which the said Governor-general in Council shall from time to time require.(1)

Presidencies of Fort St. George, &c. to send to Fort William copies of all their orders, &c.

(1) [*Vide* 13 Geo. 3, cap. 63, sec. 9, and 3 and 4 Wm. 4, cap. 85, sec. 68.]

XLV. And be it further enacted, that it shall and may be lawful for the Governor-general of Fort William aforesaid for the time being to issue his warrant under his hand and seal, directed to such peace officers and other persons as he shall think fit, for securing and detaining in custody any person or persons suspected of carrying on, mediately or immediately, any illicit correspondence dangerous to the peace or safety of any of the British settlements or possessions in India, with any of the princes, rajahs, or zemindars, or any other person or persons having authority in India, or with the commanders, governors, or presidents of any factories established in the East-Indies, by any European power, or any correspondence contrary to the rules and orders of the said Company, or of the Governor-general in Council of

Governor-general of Fort William may issue warrants for securing suspected persons.

Proceedings to be had where reasonable grounds for the charge shall appear against such persons.

Fort William aforesaid; and if, upon examination taken upon oath, in writing, of any credible witness or witnesses before the Governor-general in Council of Fort William aforesaid, there shall appear reasonable grounds for the charge, the said Governor-general shall be, and is hereby authorized and empowered to commit such person or persons so suspected or accused to safe custody, and shall within a reasonable time, not exceeding five days, cause to be delivered to him or them a copy of the charge or accusation on which he or they shall have been committed, and that the party or parties accused shall be permitted to deliver in his or their defence in writing, together with a list of such witnesses as he or they shall desire to be examined in support thereof, and that such witnesses, and also the witness or witnesses in support of the charge, shall be examined and cross-examined on oath, in the presence of the party accused, and their depositions and examinations taken down in writing; and if, notwithstanding such defence, there shall appear to the said Governor-general in Council reasonable grounds for the charge or accusation, and for continuing the confinement, the party or parties accused shall remain in custody until he or they shall be brought to trial in India, or sent to England for that purpose: and that all such examinations and proceedings, or attested copies thereof, under the seal of the Supreme Court of Judicature at Fort William, or of one of the Mayor's Courts, shall be transmitted to the said Court of Directors by the first despatches, in order to their being produced in evidence on the trial of the parties, in the event of their being sent for trial to Great Britain; and in case such person or persons is or are intended to be sent to England, the said Governor-general shall and he is hereby required to cause such person or persons to be sent to England by the first convenient opportunity, unless such person or persons shall be disabled by illness from undertaking the voyage, in which case he or they shall be sent as soon as his or their state of health will safely admit thereof: and that the examinations and proceedings so transmitted as aforesaid shall be admitted and received as evidence in all courts of law, subject to any just exceptions to the competency of the said witnesses.

Governors of Fort St. George and Bombay to have the like powers with respect to suspected persons as the Governor-general.

XLVI. And be it further enacted, that the several Governors or Governors in Council of Fort Saint George and Bombay shall have the like powers, under and subject to the same regulations and restrictions, to secure and detain persons suspected of any such illicit correspondence as aforesaid, within their respective presidencies and settlements, and of sending them to England for trial, as are hereby given to the said Governor-general or Governor-general in Council of Fort William respectively.

Governor-general, or Governors, may order measures proposed in Council about which they differ from the other members to be adopted or suspended, &c.

XLVII. And whereas it will tend greatly to the strength and security of the British possessions in India, and give energy, vigour, and dispatch to the measures and proceedings of the executive government within the respective presidencies, if the Governor-general of Fort William in Bengal, and the several Governors of Fort Saint George and Bombay, were vested with a discretionary power of acting without the concurrence of their respective Councils, or forbearing to act according to their opinions, in cases of high importance, and essentially affecting the public interest and welfare, thereby subjecting themselves personally to answer to their country for so acting, or forbearing to act: be it enacted, that when and so often as any measure or question shall be proposed or agitated in the Supreme Council at Fort William in Bengal, or in either of the Councils of Fort St. George and Bombay, whereby the interests of the said United Company, or the safety or tranquillity of the British possessions in India, or any part thereof, are, or may, in the judgment of the Governor-general, or of the said Governors respectively, be essentially concerned or affected, and the said Governor-general or such Governors respectively shall be of opinion that it will be expedient either

that the measures so proposed or agitated ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the several other Members of such Council then present shall differ in and dissent from such opinion, the said Governor-general or such Governor, and the other members of the Council, shall, and they are hereby directed forthwith mutually to exchange with and communicate in Council to each other, in writing under their respective hands (to be recorded at large on their secret consultations) the respective grounds and reasons of their respective opinions; and if, after considering the same, the said Governor-general, or such Governor respectively, and the other Members of the said Council, shall severally retain their opinions, it shall and may be lawful to and for the said Governor-general in the Supreme Council of Fort William, or either of the said Governors in their respective Councils, to make and declare any order (to be signed and subscribed by the said Governor-general, or by the Governor making the same) for suspending or rejecting the measure or question so proposed or agitated, in part or in the whole, or to make and declare such order and resolution for adopting and carrying the measure so proposed or agitated into execution, as the said Governor-general, or such Governors in their respective Councils, shall think fit and expedient; which said last-mentioned order and resolution, so made and declared, shall be signed as well by the said Governor-general, or the Governor so making and declaring the same, as by all the other members of the Council then present, and shall by force and virtue of this Act be as effectual and valid, to all intents and purposes, as if all the said other members had advised the same, or concurred therein; and the said members of Council, and all officers, civil and military, and all other persons concerned, shall be and they are hereby commanded, authorized, and enjoined to be obedient thereto, and to be aiding and assisting in their respective stations in the carrying the same into execution.

[*Vide* 3 & 4 Wm. 4, cap. 85, sec. 49.]

Governor-general, &c. making any order without the consent of the Council, responsible for the same;

XLVIII. And be it further enacted, that the Governor-general, or Governor, who shall declare and command any such order or resolution to be made or recorded without the assent or concurrence of any of the other members of Council, shall alone be held responsible for the same, and the consequences thereof (1).

(1) [See Act and Section referred to in note on sec. 47 of this Act.]

but not to make any order which could not have been made with the consent of the Council.

XLIX. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to give power to the said Governor-general of Fort William in Bengal, or to either of the said Governors of Fort St. George and Bombay respectively, to make or carry into execution any order or resolution which could not have been lawfully made and executed with the concurrence of the Councils of the respective governments or presidencies, any thing herein contained to the contrary notwithstanding.

No person to act without the concurrence of the Council, on whom the office of Governor general or Governor shall devolve by death, unless provi-

L. Provided also, and be it further enacted and declared, that nothing in this Act contained shall extend, or be construed to extend, to give any discretionary power of acting, or forbearing to act, without the concurrence of the other members of Council, unto any person on whom the said office of Governor-general or the said office of Governor respectively, shall happen to devolve by the death or resignation of any Governor-general, or Governor for the time being respectively, or unto any deputy Governor-general, unless such person shall have been provisionally appointed to succeed to such respective office by the said

Court of Directors, or unless and until such person shall have been or shall be confirmed in the said office, and that in the mean time all orders, resolutions, and other acts and things in such presidency, shall be determined by the voice of the major part in number of the Governor-general and counsellors, or Governor and counsellors present at the making or doing thereof, such Governor-general or Governor having on an equality of voices a casting vote, and not otherwise, or in any other manner; any thing in this Act contained to the contrary notwithstanding. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 62.]

Governor-general, &c. not to carry into execution any order against the opinion of the Council in certain cases.

LI. Provided also, and be it further enacted, that nothing herein contained shall be construed to give power or authority to the Governor-general of Fort William in Bengal, or either of the Governors of Fort Saint George and Bombay respectively, to make or carry into execution any order or resolution against the opinion or concurrence of the counsellors of their respective governments, in any matter which shall come under the consideration of the said Governor-general, and Governors in Council respectively, in their judicial capacity; or to make, repeal, or suspend any general rule, order, or regulation for the good order and civil government of the said United Company's settlements; or to impose, of his own authority, any tax, or duty within the said respective governments or presidencies.

Governor-general to nominate a Vice-president of Fort William to act during his absence;

LIII. And be it further enacted, that when and so often as the said Governor-general shall on any occasion be absent from his own Government of Bengal, such one of the Members of the Council thereof as the said Governor-general shall nominate for that purpose shall be styled and act as Vice-president and Deputy-governor of Fort William, and that the Government of the said presidency shall be exercised by such Vice-president or Deputy, and the other members or member of the said Council, in like manner, and no further or otherwise than as the Government of the said presidencies of Fort Saint George and Bombay may be exercised by the Governors in Council there, subject nevertheless to the restrictions in this Act contained (1)

[*Vide* 3 & 4 Wm. 4, cap. 85, sec. 69 and 70. *Vide* also Act of Government of India, No. 26 of 1837, in Appendix.]

but while absent may issue orders to the officers and servants of the other Presidencies, &c.

LIV. And be it further enacted, that if the said Governor-general, during his absence from his own government in Bengal, shall judge it necessary to issue any orders or directions to any of the said governments or presidencies in India, or to any of the officers or servants of the said Company acting under the authority of any of the said presidencies, without previously communicating such orders or instructions to the said respective governments, under the authority of which such officers or servants shall be acting, it shall and may be lawful for him to issue the same, and that the said respective governments or presidencies, and also such officers and servants shall, and they are hereby severally and respectively authorized and required to obey the same, and such orders and instructions shall be of the same force as if the same had been made by the said Governor-general in Council at Fort William, but not of any greater or other force or validity; and that if such orders or directions shall be made by the said Governor-general of his own sole authority, or without the concurrence of the other members of Council of either of the said presidencies of Fort Saint George and Bombay respectively, in that case the said Governor-general shall be alone held responsible for the same, in the like manner as for any orders or resolutions by him made in Council at Fort William, of his own sole authority, without the concurrence of the other members of the same Council,

according to the directions and true intent and meaning of this Act: provided always, that such Governor-general shall and he is hereby required to transmit by the first opportunity, to the Governors and Councils of the respective presidencies to which the officers or servants to whom any such orders or instructions shall be sent to be executed shall belong, copies of such orders and instructions respectively, with his reasons or inducements for issuing the same, and also to transmit to the Court of Directors of the said Company, by the first opportunity that shall or may occur, a copy of all orders and instructions by him so sent to any of the said governments, presidencies, officers, or servants respectively, together with his reasons and inducements for sending or issuing the same.

LV. Provided also, and be it further enacted, that it shall and may be lawful for the Court of Directors of the said Company, with the approbation of the Board of Commissioners for the affairs of India, to suspend all or any of the powers hereby given to the Governor-general of Fort William to act upon his own sole authority, at and for such time or times as they may judge expedient or necessary, and that the same shall be suspended accordingly, from the time of the arrival of their orders for that purpose in India; and also for the said Court of Directors, with such approbation as aforesaid, to revive the said powers, when and as they shall think fit; any thing herein contained to the contrary notwithstanding.

Directors, with the approbation of the Board, may suspend the powers of the Governor-general to act upon his own authority.

LVI. And, for establishing a just principle of promotion amongst the covenanted servants of the said United Company in India on their civil establishment, and preventing all undue supercessions, be it further enacted, that all the civil servants of the said United Company in India, under the rank or degree of members of Council, shall have and be entitled to precedence in the service of the said Company, at the respective stations, according to their seniority of appointment; and no such civil servant or servants shall be capable of being advanced or promoted to any higher station, rank, or degree therein, than he or they shall be respectively entitled to according to the length of his or their service respectively; any law or usage to the contrary notwithstanding. (1)

Civil servants to have precedency according to their appointments, &c.

(1) [By various later enactments, power is given to make rules affecting writers appointed from the College. See 53 Geo. 3, cap. 155, sec. 44, and 1 & 2 Vic. cap. 22, sec. 1.]

LVII. And be it further enacted, that any vacancies happening in any of the offices, places or employments in the civil line of the Company's service in India (being under the degree of counsellor) shall be from time to time filled up and supplied from amongst the civil servants of the said Company, belonging to the presidency wherein such vacancies shall respectively happen, subject only to the restrictions in this Act contained, and no otherwise, (that is to say), that in the filling up and supplying such vacancies, no office, place, or employment, the salary, perquisites, and emoluments whereof shall exceed five hundred pounds per annum, shall be conferred upon or granted to any of the said servants who shall not have been actually resident in India as a covenanted servant of the said Company for the space of three years at the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed one thousand five hundred pounds per annum, the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the said service for the space of six years at the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed three thousand

Regulations for filling up vacancies in the civil line.

pounds per annum, the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the said Company's service for the space of nine years at the least in the whole; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed four thousand pounds per annum, the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the Company's service for the space of twelve years at the least in the whole, antecedent to such vacancy; (1) and that all appointments, advancements, and promotions, which shall be made for supplying any such vacancies, other than as aforesaid, shall be null and void.

(1) [By 47 Geo. 3, cap. 68, sec. 7, and 10 Geo. 4, cap. 16, sec. 2, the time spent at Haileybury is, under certain circumstances, to be reckoned as time spent in India, with reference to eligibility to office or salary. By 53 Geo. 3, cap. 155, sec. 82, the period required as a qualification for a salary of £1,500, is reduced to four years; for £3,000, to seven years; and for £4,000, to ten years. See also as to Members of Council 3 & 4 Wm. 4, cap. 85, sec. 40.]

No person to hold two offices, the salaries of which amount to more than the prescribed sum.

LVIII. And be it further enacted, that no person shall for the future be capable of taking, in the civil line of the Company's service, two or more offices, places, or employments, the joint amount of the salaries, perquisites, and emoluments of which shall exceed in the whole the annual salary, perquisites, and emoluments, respectively herein-before in that behalf prescribed, any law or usage to the contrary notwithstanding.

Directors not to send out more persons than necessary to supply the complement of the establishment.

LIX. And be it further enacted, that it shall not be lawful for the Court of Directors of the said Company to appoint or send out to India a greater number of persons in the capacity of cadets or writers, or in any other capacity, than will be necessary, in addition to those already in India, to supply the proper complement of officers and servants contained in the said list of their establishments, according to such returns of vacancies as the respective governments in India shall transmit from thence to the said Court of Directors. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 103.]

Writers and cadets to be of certain ages.

LX. And be it further enacted, that no person shall be capable of acting, or being appointed or sent to India, in the capacity of writer or cadet, whose age shall be under fifteen years, or shall exceed twenty-two years,(1) nor until the person proposed, or intended to be so appointed, shall have delivered to the said Court of Directors a certificate of his age, under the hand of the minister of the parish in which he was baptized, or keeper of the registry of baptism of such parish; and if no such registry can be found, an affidavit of that circumstance shall be made by the party himself, with his information and belief that his age is not under fifteen years, and doth not exceed twenty-two years: (1) provided nevertheless, that the said restriction shall not extend to prevent the said Court of Directors from appointing any person to be a cadet who shall have been for the space of one year at least a commissioned officer in his Majesty's service, or in the militia or fencible men when embodied, and hath been called into actual service, or from the company of cadets in the royal regiment of artillery, and whose age shall not exceed twenty-five years.

(1) [Extended as to writers to twenty-three years by 7 Wm. 4, and 1 Vic. cap. 70, secs. 4 & 5.]

LXI. And for preventing the abuses which have formerly prevailed in the collection and receipt of the revenues of the said territories and acquisitions in India, be it further enacted, that every person (being a British-born subject) who is or shall be appointed or authorized to collect, manage, control, or receive the rents, duties, or revenues of and belonging and due and payable to the said Company in India, shall, before he enters upon the collection and receipt thereof, take and subscribe the following oath, which oath the Chief Justice, or one of the puisne Judges of the Supreme Court of Judicature at Bengal, or the Mayor or other magistrate in any of the other presidencies or settlements, or such other person as shall be deputed or authorized by any order in Council of any of the said presidencies in that behalf, shall and is hereby authorized and commanded to administer; and such oath so administered shall be recorded in the Supreme Court at Calcutta, or in one of the said provincial or Mayor's Courts; (that is to say): British-born subjects appointed to receive rents, &c. to take an oath.

"I, A. B., do promise and swear, that I will, to the utmost of my endeavours, well and "faithfully execute and discharge the duties of an officer of revenue, reposed in and committed to me by the United Company of Merchants of England trading to the East-Indies; and that I will not demand, take, or accept, directly or indirectly, by myself "or by any other person for my use, or on my behalf, of or from any Rajah, Zemindar, "Talookdar, Polygar, Farmer, Renter, or Ryot, or from any person paying or liable to "pay any tribute, rent, or tax, to or for the use of the said United Company, any sum "of money or other valuable thing by way of gift, present, or otherwise, over and above "or besides and except the actual tribute, rent or tax, authorized to be taken by and for, "the use of the said United Company; and that I will justly and truly account for, "answer, and pay, all the rents, duties, and other revenues and sums of money which shall "come to my hands, or to the hands of any person or persons in trust for or employed "by me, as an officer of the revenues of the said Company, unto the said United "Company. The oath.

"So help me God."

LXII. And be it further enacted, that the demanding or receiving any sum of money, or other valuable thing as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for the use of the said Company, or of any other person whatsoever, by any British subject, holding or exercising any office or employment under his Majesty, or the said United Company in the East Indies, shall be deemed and taken to be extortion and a misdemeanor at law, and shall be proceeded against and punished as such, under and by virtue of this Act, and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof. (1) Receiving gifts to be deemed a misdemeanor.

(1) [See 13 Geo. 3, cap. 63, sec. 23 & 24; and 3 & 4 Wm. 4, cap. 85, sec. 76.]

LXIII. Provided always, and be it further enacted, that the Court or Jurisdiction before whom any such offence shall be tried, shall have full power and authority to direct the said present or gift, or any part thereof, to be restored to the party who gave the same, or to order the whole, or any part thereof, or of any fine which the Court shall set on the offender, to be paid or given to the prosecutor or informer, as such Court in its discretion shall think fit. The Court may order gifts to be restored, and fines to be given to the prosecutor.

Counsellors at law, physicians, surgeons, and chaplains may take fees in their professions.

LXIV. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person exercising the profession of counsellor at law, physician, or surgeon, or any chaplain, from accepting, taking, or receiving fees, gratuities, or rewards *(bonâ fide)* in the way of his profession only.(1)

(1) [See 13 Geo. 3, cap. 63, sec. 25.]

Neglect to execute the orders of the Directors, &c. to be deemed a misdemeanor;

LXV. And be it further enacted, that the wilfully disobeying, or the wilfully omitting, forbearing, or neglecting to execute the orders or instructions of the Court of Directors of the said Company, by any Governor-general, Governor, President, Counsellor, or Commander-in-chief, or by any other of the officers or servants of the said United Company in the East-Indies (unless in cases of necessity, the burthen of the proof of which necessity shall lie on the party so disobeying, or omitting, or forbearing to execute such orders and instructions as aforesaid), and every wilful breach of the trust and duty of any office or employment, by any such Governor-general, Governor, President, Counsellor, or Commander-in-chief, or by any of the officers or servants of the said United Company in the East-Indies, shall be deemed and taken to be a misdemeanor at law, and shall or may be proceeded against and punished as such by virtue of this Act.(1)

(1) [See 3 & 4 Will. 4, cap. 85, sec. 80.]

as also any corrupt bargain for giving up or obtaining any employment.

LXVI. And be it further enacted, that the making or entering into, or being a party to, any corrupt bargain or contract, for the giving up, or for obtaining, or in any other manner touching or concerning the trust and duty of any office or employment under the Crown, or the said United Company in the East-Indies, by any British subject whomsoever there resident, shall be deemed and taken to be a misdemeanor at law, and shall be proceeded against and prosecuted as such by virtue of this Act.

His Majesty's subjects amenable to courts of justice in India and Great Britain for offences in the territories of native princes.

LXVII. And be it further enacted, that all his Majesty's subjects, as well servants of the said United Company as others, shall be and are hereby declared to be amenable to all Courts of Justice, both in India and Great Britain, of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, offences, and crimes whatever, by them or any of them done or to be done, or committed in any of the lands or territories of any native prince or state, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British government in India.

No action to be stayed without the approbation of the Board.

LXVIII. And be it further enacted, that it shall not be lawful for the said United Company, or for any of their officers or servants, or for the Court of Directors of the said Company, to discontinue, stay, or compound, or settle or agree any actions or suits at law or equity now depending, or hereafter to be commenced, before a final decree or judgment shall be obtained or given therein, unless by and with the approbation of the Board of Commissioners for the affairs of India, for that purpose in writing first had and obtained; and that all compositions and agreements made for any of the purposes aforesaid by the Court of Directors of the said Company, with the approbation of the said Board, shall be valid and effectual in that behalf, any thing herein or in any other Act or Acts contained to the contrary notwithstanding.

Company not to release sentences or re-

LXIX. And be it further enacted, that after sentence or judgment of any Court having competent jurisdiction, whether in Great Britain or in India, against any Governor-general,

Governor, President, Counsellor, or Commander-in-chief, or against any of the said United Company's servants, civil or military, for any debts or penalty due or belonging to the said United Company, or for any extortion or other misdemeanor, it shall not be lawful for the said United Company in any case whatever to release or compound such sentence or judgment, or to restore any servant or servants of the said Company who shall have been removed or dismissed from his or their office or employment for or on account of misbehaviour by the sentence of any of the said Courts.

store servants dismissed by sentences.

LXX. And be it further enacted, that no person who shall have held any civil or military station whatever in India in the service of the said United Company, being under the rank or degree of a member of Council or Commander-in-chief of the forces, and who, having departed from India by leave of the Governor-general in Council or Governor in Council, shall not return to India within the space of five years next after such departure, shall be entitled to any rank or restoration of office, or be capable of again serving in India, either in the European or native corps of troops, or in the civil line of the Company's service, unless in the case of any civil servant of the Company it shall be proved to the satisfaction of the Court of Directors that such absence was occasioned by sickness or infirmity, or unless such person be permitted to return with his rank to India by a vote or resolution passed by way of ballot by three parts in four of the proprietors assembled in general Court, especially convened for that purpose, whereof eight days' previous notice of the time and purpose of such meeting shall be given in the London Gazette, or unless, in the case of any military officer, it shall be proved to the satisfaction of the said Court of Directors, and the Board of Commissioners for the affairs of India, that such absence was occasioned by sickness or infirmity, or some inevitable accident.

No person, under the degree of a member of Council or Commander-in-Chief, who shall not return to India within five years from his leave to depart, shall be entitled to rank, &c. except as herein provided.

LXXII. And be it further enacted, that the said Company shall at all times hereafter (subject as aforesaid) have, hold, and enjoy, and be entitled unto all and singular the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suits, penalties, forfeitures, disabilities, provisions, matters, and things whatever, which by any former Act or Acts of Parliaments, or by any Charter or Charters founded thereupon, or by any clause or clauses in the said Acts or Charters contained, are enacted, given, granted, provided, limited, established, or declared to, for, touching, or concerning the said Company or body politic and corporate, either by the name of "The General Society entitled to the advantages given by an Act of Parliament for advancing a sum not exceeding two millions for the service of the Crown of England," or the said body politic and corporate called by the name of "The English Company trading to the East-Indies," or the said body politic and corporate called by the name of "The United Company of Merchants of England trading to the East-Indies," and not by this Act or any other Act now in force repealed or altered, according to the tenor and true meaning of the said Acts and Charters, and of this Act, freed and discharged from all provisoes and conditions of redemption and determination in any former Act or Acts contained: and the same, and every of them, are and is hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised and put in execution, by the said Company and their successors, for the better and more effectually settling and securing to them and their successors the whole, sole, and exclusive trade to the East-Indies and parts aforesaid, and for the preventing trade thereto, contrary to the true intent and meaning of this Act, and for securing also their possessions, estate, and effects, and governing their affairs and business in all respects, as fully and effectually as if the same profits, benefits, advantages, trade, privileges, franchises

The Company to enjoy all profits, &c. granted by any other Acts or Charters, freed from conditions of redemption, &c.

abilities, capacities, powers, authorities, rights, remedies, methods of suits, penalties, forfeitures, disabilities, provisions, matters, and things, were severally repeated and at large re-enacted in the body of this Act; subject nevertheless to such restrictions, covenants, and agreements, as are contained in the said Acts or Charters now in force, and not herein or hereby repealed, varied, or altered, and subject also to the several enactments, conditions, limitations, and provisoes in this Act contained.

Section 73 contains a proviso for the termination of the exclusive trade upon three years' notice.

Their Corporation not to be determined, &c.

LXXIV. Provided also, and be it further enacted, that nothing in the said proviso last hereinbefore contained, or in any proviso in the said Act of the ninth year of King William the Third, or in the said Charter of the fifth day of September, in the tenth year of his reign, or in any other Act or Charter contained, shall extend, or be construed to extend, to determine the Corporation of the said United Company, or to hinder, prevent, or preclude the said Company, or their successors, from carrying on at all times, after such determination of the right to the sole, whole, and exclusive trade as aforesaid, a free trade, in, to, and from the East-Indies and parts aforesaid, with all or any part of their joint stock in trade, goods, merchandises, estate, and effects, in common with other the subjects of his Majesty, his heirs and successors, trading to, in, or from the said parts or limits.(1)

(1) [Exercise of trade suspended by 3 & 4 Wm. 4, cap. 85.]

Act not to affect the rights of the Company or the public, respecting the territorial acquisitions and revenues beyond the further term granted.

CXXIII. Provided also, and be it further enacted, that the appropriation made by this Act (1) of the clear profits of the said territorial acquisitions and revenues in India, shall not extend, or be construed to extend, to prejudice or affect the rights of the public, or of the said United Company, respecting the said territorial acquisitions and revenues, beyond the further term by this Act granted to the said United Company, under the limitations thereof in the sole and exclusive trade to the East-Indies, and parts aforesaid.

(1) [The appropriation clauses are not inserted here. The latest enactments for the disposition of the revenues of India will be found in 3 & 4 Wm. 4, cap. 85.]

No grant of new salaries, &c. above £200 to be good, unless confirmed by the Board.

CXXV. And whereas, for protecting the funds of the said Company during their further term in the said exclusive trade from being burthened with any improper charges, it is expedient that the said Company should be put under reasonable limitations in respect to the granting of pensions or increasing the salaries of their officers and servants, or creating new establishments; be it further enacted, that no grant or resolution of the said Company, or their Court of Directors, to be made after the passing of this Act, and during the continuance of their right in the said exclusive trade,(1) whereby the said funds may become chargeable with any new salary or increase of salary, or any new or additional establishment of officers or servants, or any new pension, or increase of pension, to any one person, exceeding two hundred pounds per annum, shall be available in law, unless such grant or resolution shall be approved and confirmed by the Board of Commissioners for the affairs of India, attested under the hand of the President of the said Board.

(1) [The exclusive trade with India terminated in 1814; that with

China in 1834; but the 53 Geo. 3, cap. 155 (sec. 2) continued for the term thereby granted, all enactments, provisions, matters and things contained in the 33 Geo. 3, cap. 52, and in any other Acts limited to the term granted by the said Act of the 33 Geo. 3, so far as they were in force and not repealed by or repugnant to the 53 Geo. 3, cap. 155; and by the 3 & 4 Wm. 4, cap. 85, sec. 2, all enactments, &c., of former Acts limited to the term granted by 53 Geo. 3, cap. 155, are continued, so far as they were in force at the time of passing the new Act (3 & 4 Wm. 4, cap. 85) and were not repealed thereby or repugnant thereto. By 53 Geo. 3, cap. 155, sec. 88, and 55 Geo. 3, cap. 64, the approval of the Board is required to give effect to gratuities exceeding £600, and by 3 & 4 Will. 4, cap. 85, sec. 25, the power of the Board is extended to all grants of salaries, gratuities, and allowances, whatever the amount, with the exception, under sec. 37, of such as are paid out of the sum placed at the discretion of the Court of Directors for the expenses of their home establishment.]

CXXVI. And be it further enacted, that the Court of Directors of the said Company shall, within the first fourteen sitting days next after the thirtieth day of March in every year, lay before both Houses of Parliament an account, made up according to the latest advices which shall have been received, and with as much accuracy as the nature of the case will admit, of the annual produce of the revenues of the British territories in India, distinguishing the same under the respective heads thereof at each of their several presidencies or settlements, with the amount of their sales of goods and stores within the limits of their exclusive trade, and of all their annual disbursements within the said limits, distinguishing the same under the respective heads thereof, together with the latest estimate of the same; and also the amount of their debts abroad, with the rates of interest they respectively carry, and the annual amount of such interest; the state of their effects at each presidency or settlement, and in China, consisting of cash and bills in their treasuries, goods and stores, and debts owing to the said Company, according to the latest advices which shall have been received thereof; and also a list of their several establishments in India, and other parts within the limits of their exclusive trade, and the salaries and allowances payable by the said Company in respect thereof: and also another annual account, made up to the first day of March next preceding the delivery thereof to Parliament, containing the amount of the proceeds of the sale of the goods and merchandises of the said Company in Great Britain, and of their commercial and other receipts, charges and payments in Great Britain, under the several heads thereof, together with an estimate of the same for the current year, and a statement of their bond debts and simple contract debts, with the rates of interest they respectively carry, and the amount of such interest, and the state of the cash remaining in their treasury, and other effects appertaining to the Company in Great Britain, or afloat; and if any new or increased salaries, establishments, or pensions, payable in Great Britain, shall have been granted or created within the preceding year, the particulars thereof shall be specially stated and inserted at the foot of such accounts. (1)

Directors to lay before Parliament yearly certain accounts.

(1) [By 54 Geo. 3, cap. 36, sec. 55, the accounts were to be made up to the 1st of May, and presented to Parliament within the first fourteen sitting days after that period. By 3 & 4 Wm. 4, cap. 85, sec. 116, the accounts are to be presented within the first fourteen sitting days after the 1st of May, and to be made up according to the latest advices. By this Act also some changes are made in the particulars of the required accounts, adapting them to the altered circumstances of the Company, all relating to trade being omitted.]

Section 127 provides for the reciprocal discharge of the Crown and the Company in respect of certain accounts between them. A similar arrangement to a later date was effected by 3 Geo. 4, cap. 93.

From December 24, 1792, expenses of such troops to be repaid by the Company.

CXXVIII. And be it further enacted, that from the said twenty-fourth day of December, one thousand seven hundred and ninety-two, all sums issued by the said Paymaster-general of his Majesty's forces, for and on account of his Majesty's forces serving in India, or for raising and supplying recruits for the same, shall be repaid by the said Company; and that the actual expenses only which since the said twenty-fourth day of December, one thousand seven hundred and ninety-two, have been, or which hereafter shall be incurred for the support and maintenance of the said troops, shall be borne and defrayed by the said Company; any clause or provision contained in the said recited Act of the twenty-first year of his Majesty, or any other Act or Acts, to the contrary notwithstanding. (1)

(1) [*Vide* note on 28 Geo. 3, cap. 8, sec. 2.]

No Governor-general, &c. to trade, except on account of the Company.

CXXXVII. And be it further enacted, that it shall not be lawful for any Governor-general or Governor, or any Member of Council of the said presidencies in India, to be concerned in any trade or traffic whatever, except on account of the said Company, nor for any collector, supervisor, or other person employed or concerned in the collection of the revenues, or the administration of justice in the provinces of Bengal, Bahar, and Orissa, or either of them, or their agents or servants, or any person or persons in trust for them, or any of them, to carry on or be concerned in or to have any dealings or transactions, by way of traffic or trade, at any place within any of the provinces in India, or other parts, or to buy any goods, and sell the same again, or any part thereof, at the place where he or they bought the same, or at any other place within the same province, or any other such province or country respectively, except on account of the said Company; nor shall it be lawful for any of the Judges of the Supreme Court of Judicature to be concerned in any trade or traffic whatever; nor shall it be lawful for any of his Majesty's subjects in the said provinces to engage, intermeddle, or be in anywise concerned, directly or indirectly, in the inland trade in salt, beetle nut, tobacco, or rice, except on account of the said Company, or with their permission, on pain of forfeiting all such goods or commodities which they, or any of them, shall so buy and sell again, by way of traffic, or in which any of them shall so trade, and also treble the value thereof, one moiety to the said United Company, and the other moiety to him or them who will sue for the same.

No Judge to be concerned in any trade.

No person whatever to be concerned in the inland trade in salt, &c. except with the Company's permission.

So much of 9 & 10 Wm. 3, c. 44, as in-

CXLVI. And be it further enacted, that so much of an Act made in the ninth and tenth years of the reign of King William the Third, intituled, "An Act for raising a sum not ex-

ceeding two millions, upon a fund for payment of Annuities after the rate of eight pounds per centum per annum, and for settling the Trade to the East-Indies," as inflicts any penalty or forfeiture for visiting, haunting, frequenting, trading, trafficing, or adventuring in, to, or from the East-Indies, or other of the parts before-mentioned, contrary to the true meaning of the said Act; and the whole of an Act made in the fifth year of the reign of King George the First, intituled, "An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the East-Indies, and for the more effectually preventing all his Majesty's Subjects trading thither under Foreign Commissions;" and so much of any Act or Acts as continues the said Act of the fifth of King George the First; and so much of an Act of the seventh year of King George the First, intituled "An Act for the further preventing his Majesty's Subjects from trading to the East-Indies, under Foreign Commissions, and for encouraging and further securing the lawful Trade thereto, and for further regulating the Pilots of Dover, Deal, and the Isle of Thanet," as relates to the punishment or prosecution of persons for sailing, going, or repairing to, or trading, trafficing, or adventuring in, to, or from the East-Indies, or parts aforesaid, to the prejudice of the said United Company, contrary to the laws then in being, or to the said Act, and the whole of an Act made in the ninth year of King George the First, intituled, "An Act to prevent his Majesty's Subjects from subscribing or being concerned in encouraging or promoting any subscription for an East-India Company in the Austrian Netherlands, and for the better securing the lawful Trade of his Majesty's Subjects to and from the East-Indies;" and so much of an Act made in the third year of King George the Second, intituled, "An Act for reducing the Annuity or Fund of the United East-India Company, and for ascertaining their right of Trade to the East-Indies, and the continuance of their Corporation for that purpose, upon the Terms therein mentioned;" and so much of an Act made in the seventeenth year of King George the Second, intituled "An Act for granting to his Majesty the surplus or remainder of the Monies arising or to arise by the duties on Spirituous Liquors, granted by an Act of the last session of Parliament, and for explaining and amending the said Act, in relation to the retailers of such Liquors, and for establishing an agreement with the United Company of Merchants of England trading to the East-Indies," as respectively creates any penalty or forfeiture, with a reference to the said Act of the seventh of King George the First, for the mode of suing, distributing and recovering the same; and so much of an Act made in the tenth year of his present Majesty, intituled, "An Act for better regulating Persons employed in the service of the East-India Company, and for other purposes therein mentioned," as subjects any persons concerned in the illicit trade to, in, or from the East-Indies therein recited, or in any trade thereby made punishable, to any penalty or penalties; and also so much of an Act made in the thirteenth year of his present Majesty, intituled, "An Act for establishing certain Regulations for the better management of the Affairs of the East-India Company, as well in India as in Europe;" as provides for the delivery of any letters or advices to the principal Secretaries of State, or as makes it unlawful for any Governor-general, or any of the Council of the presidency of Fort William in Bengal, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at Fort William, aforesaid, to be concerned in any dealings or transactions by way of traffic or commerce, (1) and as makes it unlawful for any collector, supervisor, or any other of his Majesty's subjects employed or concerned in the collection of the revenues or the administration of justice in the provinces of Bengal, Bahar, and Orissa, or their agents or servants, or any persons in trust for them, to buy any goods or commodities by way of trade in those provinces, and to sell again within the same provinces, (1) and as makes it unlawful for any of his Majesty's subjects in the said provinces to be concerned in the inland trade in salt, beetle nut, tobacco, or rice,

flicts penalty for illegally trading to the East-Indies;

5 G. 1, c. 21.

So much of any Acts as continue 7 G. 1, c. 11, and 5 G. 1, c. 71, as relates to punishment of persons illegally trading to the East-Indies;

9 G. 1, c. 26.

So much of 3 G. 2, c. 11; and

of 17 G. 2, c. 17, as creates any penalty with reference to 7 G. 1, c. 21, for suing, &c. for the same;

So much of 10 G. 3, c. 17, as subjects illicit traders to, in, or from the East-Indies to penalty,

So much of 13 G. 3, c. 63, as provides for delivery of advices to the Secretaries of State, &c.

except as therein mentioned, (1) and as makes it unlawful for persons dismissed from or resigning the service of the said Company, or for any free merchant, free mariner, or other person, whose covenants or agreements with the said Company shall be expired, to be concerned in any trade or commerce in the East-Indies, other than for the disposal of his or their stock in hand, without the license of the said Company, or such Governor-general in Council, or President and Council, as therein are mentioned; and so much of the aforesaid Act made in the twenty-first year of his present Majesty as prohibits any of the servants of the said Company, or other British subjects in India, from lending money to any foreign company or foreign European merchants, or to purchase goods in India for or on account of any such companies or merchants, or from being concerned in lending money or purchasing goods to furnish any such companies or merchants, with the credit of such bills of exchange as are described in the said Act, or as makes provision, by penalty or forfeiture, or otherwise, for securing the sole and exclusive trade of the said United Company, in, to, and from the East-Indies and parts aforesaid, subject as therein is mentioned, or as prohibits the Court of Directors of the said Company from putting a stop to any suit or suits, or to remit or mitigate the penalty, damages or satisfaction, sought to be recovered thereby before a final judgment or decree obtained in such suit or suits; and also an Act made in the twenty-fourth year of his Majesty's reign, intituled, "An Act for the better Regulation and Management of the Affairs of the East-India Company, and the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East-Indies," save and except so much and such parts of the last-mentioned Act as relates to the debts of the Nabob of Arcot or the Rajah of Tanjore, or as provides for the redress of injuries and wrongs to any Rajahs, Zemindars, Polygars, Talookdars, and other native landholders within the British territories in India, and except so much and such parts of the same Act as are now in force for providing for, or which relate to or concern the new Court of Judicature by the said Act established for the more speedy and effectual trial of persons so accused of offences committed in the East-Indies, or any proceedings had or to be had by or under the authority of the said Court, and not by this Act varied or altered, and also except such parts of the said Act as provides for the repeal of any former Act or Acts; and also an Act made in the twenty-sixth year of his Majesty's reign, intituled, "An Act to explain and amend certain Provisions of an Act made in the twenty-fourth year of the reign of his present Majesty, respecting the better Regulation and Management of the Affairs of the East-India Company," except so much thereof as repeals any former Act or Acts; and also so much of an Act made in the same twenty-sixth year of his present Majesty, for the further regulation of the trial of persons accused of certain offences committed in the East-Indies, and for other the purposes in the title of the said Act mentioned, as makes offences against any law for securing such exclusive trade as aforesaid to the said United Company, and all forfeitures and penalties for illicitly trading, or for being in the East-Indies, prosecutable, or makes any seizure of any ship or goods within the limits of the said exclusive trade cognizable in the Supreme Court of Judicature at Fort William in Bengal, or in the respective Mayor's Courts of Fort Saint George and Bombay, or as relates to persons whose licenses to go to or trade or reside within the limits of the said exclusive trade shall have ceased and determined, or who shall have been dismissed from or have resigned the said Company's service, or as relates to or as makes the powers of arresting, seizing, remitting, or sending to England, any person or persons in the East-Indies, or limits aforesaid, or for seizing any ships or goods liable to seizure by the said Company, enforceable and executable by the Governor-general and Council of Fort William in Bengal, or the Presidents and

So much of 21 G. 3, c. 65, as prohibits the lending money to foreign Companies, &c.

24 G. 3. sess. 2, c. 25, except such parts as relate to the debts of the Nabob of Arcot, &c.

26 G. 3, c. 16, except so much as repeals former Acts:

and so much of 26 G. 3, c. 57, as makes offences against the law for securing the exclusive trade of the Company, &c. enforceable in the East-Indies, repealed.

Councils of Fort Saint George and Bombay respectively, or the other person and persons therein mentioned, shall be and are, and is hereby repealed and made void.

(1) [*Vide* section 137 of this Act.]

CXLVII. Provided always, and be it enacted and declared, that the aforesaid repeal shall not extend to any offence committed against any of the statutes hereby wholly or in part repealed, or matter or thing lawfully done in Great Britain respectively, by virtue of any of the same statutes, before the passing of this Act, nor to any offence committed or to be committed in the East-Indies against any such statutes, or matter or thing lawfully done or to be done there, by virtue of any of the same statutes respectively, before the commencement of this Act in India; but that all and every such offences shall and may be prosecuted, and all and every such matter and thing shall be held to be of the same force, validity and effect respectively, as if this Act had not been made, any thing herein contained to the contrary notwithstanding.

Repeal not to extend to offences committed before the passing this Act, &c.

CXLIX. Provided also, and be it further enacted and declared, that the said repeal shall not extend to abridge, vary, or affect any of the powers given by, or declared to be vested in, the Board of Commissioners for the affairs of India, by two several Acts, made in the twenty-eighth and thirty-first years of his Majesty's reign respectively, concerning the expenses incurred, or to be incurred, in raising, transporting, and maintaining certain of his Majesty's forces in the said Acts mentioned, for the security of the said territories and possessions in India, in addition to the forces then there, but that the several powers and authorities by the said two several Acts, or either of them, given to, or declared to be vested in the said Board of Commissioners, shall and may be exercised by the Board of Commissioners for the affairs of India, to be appointed by virtue of this Act, in as large and ample manner and form as if the same were repeated and re-enacted, or vested in the said Board of Commissioners, by express words in and by this Act, any thing herein contained to the contrary notwithstanding.

nor to affect the powers given by 28 G. 3, c. 8, and 31 G. 3. c. 10, concerning expenses of additional forces in the East-Indies.

CL. And, for obviating any doubts which might otherwise arise how far any of his Majesty's subjects may, notwithstanding the aforesaid repeal of the said several Acts or parts of Acts, be entitled to recover any debts due to them in Great Britain, or in parts beyond the seas, or otherwise to enforce the execution of any contracts or agreements, by reason of any pretext to be set up by any other person or persons, that such debts were contracted, or that such contracts or agreements were made contrary to the restrictions or prohibitions in the said Acts, or some of them, contained, be it further enacted, that it shall not be competent or lawful to or for any defendant or defendants in any suit or action now depending, or hereafter to be brought in any Court either in Great Britain or in the East Indies, to plead or set up any Act or Acts, in the whole or in part repealed by this Act, in bar of any such suit or action, or of any judgment or recovery to be obtained therein, but that the plaintiff or plaintiffs in all and every such suits or actions, as well in law as in equity, shall have the same remedy to recover, and be entitled to the like judgment, verdict, decree, and execution, as if the said Acts or parts of Acts so repealed had never been made, any Act or Acts to the contrary notwithstanding.

Acts repealed not to bar actions.

CLI. And whereas the Governor-general and the other members of the Supreme Council of Fort William in Bengal, and the Chief Justice and other Justices of the Supreme Court of Judicature at Fort William aforesaid, are at present the only persons authorized by law to act as Justices of the Peace within and throughout the provinces, districts, and countries of

Bengal, Bahar, and Orissa; and the Governor or President, and the other members of the Council of Fort Saint George, on the coast of Coromandel; and the Governor or President, and the other members of the Council of Bombay, are the only persons authorized by law to act as Justices of the Peace in and for the presidency of Fort Saint George, and the presidency, island, town, and factory of Bombay, and the places belonging and subordinate to the said two last-mentioned presidencies respectively: And whereas, for preserving and maintaining the peace in the said provinces and presidencies aforesaid, and the places subordinate thereto, it is expedient that a further number of persons should be appointed to act as Justices of the Peace in and for the same respectively: Be it therefore further enacted, that it shall and may be lawful to and for the Governor-general in Council of Fort William in Bengal for the time being, by commissions to be from time to time issued under the seal of the Supreme Court of Judicature there, in the name of the King's Majesty, his heirs and successors, tested in the name of the Chief Justice of the said Court (which said commissions the said Supreme Court of Judicature is hereby authorized and required from time to time, by any order or warrant from the said Governor-general in Council, to issue accordingly), to nominate and appoint such and so many of the covenanted servants of the said Company, or other British inhabitants, as the said Governor-general in Council shall think properly qualified to act as Justices of the Peace within and for the said provinces and presidencies, and places thereto subordinate respectively, and such persons shall, according to the tenor of the respective commissions wherein they shall be so nominated and appointed, and by virtue thereof, and of this Act, have full power and authority to act as Justices of the Peace, according to the tenor of the same commissions, wherein they shall be respectively named in and for the provinces and presidencies aforesaid, and places subordinate thereto respectively: and the said Supreme Court, upon any requisition in writing from the said Governor-general in Council, shall and may from time to time supersede such commissions, and upon like requisition issue new commissions for the purposes aforesaid, unto the same or such other of the covenanted servants of the said Company, or other British inhabitants, as shall from time to time be so nominated by the said Governor-general in Council in that behalf, all which commissions shall be filed of record in the respective Courts of Oyer and Terminer of the province, presidency, or place wherein and for which the same shall be issued as aforesaid: Provided always, that the persons who shall be so nominated and appointed as aforesaid shall not be capable of holding any Court of Oyer and Terminer and Gaol delivery, nor to sit in any such Court, unless the Justices of the said Court shall, on any particular occasion, call upon them so to do, in which case, and so often as the same shall happen, the persons so called upon shall and may for that time associate with them, and sit as Justices of the said Court of Oyer and Terminer and Gaol delivery by virtue of this Act, and have a deliberative voice, being first specially authorized for that purpose by order in Council. (1)

Power given to the Governor-general in Council of Fort William, &c. to appoint Justices of the Peace.

Such Justices not to sit in Courts of Oyer and Terminer unless called upon.

(1) [The 47 Geo. 3, sess. 2, cap. 68, sec. 6, repeals so much of the above as authorizes the Governor-general in Council to appoint Justices of the Peace for Fort St. George or Bombay, that authority being given by section 5 to the Governor in Council of the respective Presidencies. The 2 & 3 Wm. 4, cap. 117, sec. 1, removes the restriction as to British inhabitants, and renders eligible all persons not subjects of a foreign state.]

CLII. Provided always, and be it further enacted, that no person to be nominated and appointed in and by any such commission as aforesaid shall be capable of acting as a Justice of the Peace in any of the said provinces or presidencies, until he shall have taken and subscribed in the Court of Oyer and Terminer of the province or presidency for which he shall be appointed to act as a Justice of the Peace, the like oaths as are appointed to be taken by Justices of the Peace in Great Britain, or as nearly to the tenor thereof as the case will admit, and as shall be approved by the said Court; the oath of qualification prescribed by an Act of the eighteenth year of his late Majesty King George the Second, intituled, "An Act to amend and render more effectual an Act passed in the fifth year of his present Majesty's Reign, intituled, 'An Act for the Qualification of Justices of the Peace,'" only and always excepted. (1)

No persons capable of acting as a Justice of the Peace till they have taken the requisite oaths.

18 G. 2. c. 20.

(1) [By 53 Geo. 3, cap. 155, sec. 112, the oaths may be taken in any civil or criminal Court of Justice within the provinces in and for which the Commission has issued, and before any other Justice of the Peace. The 2 & 3 Wm. 4, cap. 117, sec. 1, which admits natives to the office, subjects all persons appointed to all the provisions of the law then existing, except as to the taking of oaths; but directs that they shall bind themselves by such oaths or solemn affirmations as may be prescribed by the Government. See Act of the Government of India, No. 5, of 1840.]

CLIII. Provided always, and be it further enacted and declared, that all convictions, judgments, orders, and other proceedings, which shall be had, made, or pronounced by or before any Justice or Justices of the Peace within any of the British settlements or territories in India, out of the Court of Oyer and Terminer within and for the same, shall and may be removeable by writ of *certiorari*, into the Court of Oyer and Terminer and Gaol Delivery of and for the same presidency, at the instance of any of the parties thereby affected or aggrieved, at any time within the space of six calendar months next after the making or pronouncing thereof respectively; and for that purpose it shall and may be lawful to and for any one or more of the Justices of the said Court of Oyer and Terminer and Gaol Delivery, and such Justice or Justices is and are hereby required, at the instance of such party or parties, to grant his fiat or warrant to the keeper of the rolls of the peace, or other proper officer, to award a writ of *certiorari* under the seal of the Supreme Court of Judicature, when the matter shall arise in Bengal, Bahar, or Orissa, or, if it shall arise in the presidency of Fort Saint George, or in the presidency of Bombay, or in any settlement or place subordinate thereto respectively, then under the seal of the Mayor's Court of the presidency wherein the matter shall so arise, or to which the cognizance thereof shall belong, for the removal and bringing of such conviction, judgment, order, or other proceeding into the said Court of Oyer and Terminer and Gaol Delivery, and that the said Court of Oyer and Terminer and Gaol Delivery shall have full power and authority to hear and determine the matter of such conviction, judgment, order, and other proceeding so removed, and to quash or affirm the same, so that the same be not quashed for want of form, but on the merits only, and to pronounce judgment thereon, in the like manner as the Court of King's Bench at Westminster can or may do upon convictions, judgments, orders, or other proceedings had or made by or before any Justices of the Peace, or court or quarter sessions in England removed or brought into the said Court of King's Bench by writ of *certiorari*.

Proceedings of the Justices of the Peace may be removed by *certiorari* into the Court of Oyer and Terminer.

Before granting writs of *certiorari*, recognizance to be entered into.

CLIV. Provided also, and be it enacted and declared, that before the granting of any such writ the like recognizance shall be entered into, and the party or parties applying for such writ shall be put under the same terms and conditions, in all respects, as are by law directed and provided in the cases of writs of *certiorari* awarded or granted for the removal of any conviction, judgment, order, or other proceeding, had or made by or before any Justice or Justices of the Peace in England into the said Court of King's Bench, or as by the usage and practice of the same Court hath been accustomed.

Justices of the Peace may sit in the Council of the Presidency to hear appeals.

CLV. And be it further enacted, that it shall and may be lawful for the Governor-general in Council of Fort William, or the Governors of Fort Saint George and Bombay, by any order to be made in their Councils respectively, to call any of the Justices of the Peace authorized in and by any such Commission or Commissions as aforesaid, to sit and associate with the said Governor-general in Council, or Governor in Council, for the more speedy hearing and determining of causes appealed; and that the said Justices shall, and they are hereby authorized and required, when so called upon, to act as Justices in the Court of Appeals accordingly, and to have and use deliberative voice in all proceedings upon such appeals.

Charter of Justice, dated 26th March 1774, recited.

CLVI. And whereas, by the Charter of Justice under the Great Seal of Great Britain, bearing date the twenty-sixth day of March, in the fourteenth year of his present Majesty's reign, for establishing the Supreme Court of Judicature of Fort William in Bengal, his Majesty did grant, ordain, establish, and appoint, that the said Supreme Court of Judicature should be a Court of Admiralty, with power and authority to inquire, hear, try, examine, and determine, by the oaths of British subjects, all treasons, murders, piracies, robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanors, offences, excesses, and enormities, and maritime causes whatsoever, according to the laws and customs of the Admiralty of England, done, perpetrated, or committed upon the high seas, rivers, ports, creeks, harbours, and places over-flown, within the ebbing and flowing of the sea and high-water mark, within, about, and throughout the provinces, countries, or districts of Bengal, Bahar, and Orissa, and the territories or islands adjacent thereto and dependant thereon; the cognizance whereof doth belong to the jurisdiction of the Admiralty, as the same is used and exercised in that part of Great Britain called England: And whereas doubts have arisen how far the jurisdiction of the said Supreme Court, in criminal matters, is limited by the said Charter to offences committed on the coasts of Bengal, Bahar, and Orissa, territories or islands respectively, within the ebbing and flowing of the sea and high-water mark: and inasmuch as it is essentially necessary that the Admiralty jurisdiction of the said Supreme Court of Judicature should extend to crimes and offences committed on the high seas at large: be it further enacted and declared, that the power and authority of the said Court, granted to them by the said Charter of Justice, shall extend and be extended to the high seas, and that the said Court shall, by force and virtue of this Act, have full power and authority to inquire, hear, try, examine, and determine, by the oaths of honest and lawful men, being British subjects, resident in the town of Calcutta, all treasons, murders, piracies, robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanors, offences, excesses, and enormities, and maritime causes whatsoever, according to the laws and customs of the Admiralty of England, done, perpetrated, or committed upon any of the high seas, and to fine, imprison, correct, punish, chastise, and reform parties guilty, and violators of the laws, in like and in as ample manner, to all intents and purposes, as the said Court might or could do if the same were done, perpetrated, or committed within the limits prescribed by the said Charter of Justice, and not otherwise, or in any other manner.

Power given by recited Charter to the Supreme Court of Judicature, to extend to the high seas.

Presidencies may appoint coroners, who may exercise the same powers as coroners in England.

CLVII. And whereas it is expedient that coroners should be appointed for the settlements in India, for taking inquests upon view of the bodies of persons coming, or supposed to have come, to an untimely end: be it enacted, that the Governor-general in Council at Fort William, and the Governors in Council at Fort Saint George and Bombay, within their several Presidencies and Goverments respectively, shall have full power and authority, by Orders in Council, from time to time to nominate and appoint so many coroners, being British subjects, as they shall respectively think fit, or as shall be limited by the Court of Directors of the said Company, and by like orders to supersede and remove the persons so appointed as occasion may appear to require; and that the persons so nominated, and taking and subscribing, before one of the Judges of the Supreme Court of Judicature, or one of the Mayor's Courts, the like oaths as are directed to be taken by the coroners of counties in England, shall and may, by force of this Act, have, do, execute, perform, and exercise the like powers, authorities, and jurisdictions, within the Presidency or settlement for which they shall be so respectively nominated and appointed, as by law may be had, done, executed, performed, or exercised by coroners elected for any county or place in England, and not otherwise, or in any other manner; and that such coroners shall have and be entitled unto such reasonable fees and allowances, for the performance of the duty of their said office, as shall be limited or prescribed by the said respective Governments in that behalf.

1 G. 1, c. 52.

CLVIII. And whereas by an Act of the first year of the reign of his late Majesty King George the First, intituled, "An Act for making the Laws for repairing the Highways more effectual," provision was made for authorizing Justices of the Peace in cities and market-towns, at their General or Quarter Sessions, to appoint scavengers for cleansing and repairing the streets of the same, and to raise money by assessments upon the inhabitants for defraying the expenses thereof: And whereas, by an Act passed in the seventh year of the reign of his present Majesty, to amend and reduce into one Act the Statutes for the amendment and preservation of the public highways, it was enacted, that the said recited Act of the first year of King George the First should be repealed: And whereas, it is essentially necessary for the health, as well as for the security, comfort, and convenience of the inhabitants of the towns and factories of Calcutta, Madras, and Bombay, in the East-Indies, that the streets therein should be regularly and effectually cleansed, watched, and repaired: be it therefore enacted, that it shall and may be lawful to and for the Justices of the Peace within or for the Presidencies of Fort William, Fort Saint George, and Bombay respectively, for the time being, or the major part of them, from time to time assembled at their General or Quarter Sessions, to appoint scavengers for cleansing the streets of the said towns or factories of Calcutta, Madras, and Bombay respectively, and to nominate and appoint such persons as they shall think fit in that behalf, and also to order the watching and repairing of the streets therein as they respectively shall judge necessary, and for the purpose of defraying the expenses thereof, from time to time, to make an equal assessment or assessments on the owners or occupiers of houses, buildings, and grounds, in the said towns or factories respectively, according to the true and real annual values thereof, so that the whole of such assessment or assessments shall not exceed, in any one year, the proportion of one-twentieth part of the gross annual values thereof respectively, unless any higher rate of assessment shall, in the judgment of the Governor-general in Council, or Governor in Council, of the said respective Presidencies, become essentially necessary for the cleansing, watching, or repairing thereof, in which case the said Governor-general in Council, or Governor in Council, shall and may, on any such urgent occasion, by Order in Council, authorize a further assessment, not exceeding in any one year the half part of the amount of the ordinary annual assessment hereinbefore limited,

7 G. 3, c. 42.

Justices may appoint scavengers for cleansing the streets of Calcutta, Madras, and Bombay, and may order their being watched and repaired, and make assessments for those purposes, &c.

and that it shall be thereupon lawful for the said Justices to make a further assessment, according to the tenor of such order, and not otherwise, or in any other manner; and that all and every such assessment or assessments shall and may, from time to time, be levied and collected by such person or persons, and in such manner, as the said Justices, by their Order in Session, shall direct and appoint in that behalf, and the money thereby raised shall be employed and disposed of according to the orders and directions of the said Justices in Session respectively, for and towards the repairing, watching, and cleansing the said streets, and for no other purpose; and that the said assessments, being allowed under the hands and seals of such Justices, or any other two or more of them, shall and may be levied by warrant under their hands and seals, or the hands and seals of any two of them, by distress and sale of the goods and chattels of any person or persons not paying the same within eight days after demand, rendering the overplus (if any be) to the same person or persons, the necessary charges of making, keeping, and selling such distress or distresses, being first deducted. (1)

(1) [*Vide* Acts of Government of India, Nos. 28 of 1836; 1 of 1837; and 32 of 1838, in Appendix.]

No spirituous liquors to be sold in Calcutta, Madras, or Bombay, without a license.

CLIX. And be it further enacted, that it shall not be lawful for any person or persons to sell any arrack or other spirituous liquors within the towns or factories of Calcutta, Madras, or Bombay respectively, without a license for that purpose under the hands and seals of two or more of the Justices of the Peace having jurisdiction; and that the powers and authorities vested, by any laws or statutes now in force in that part of Great Britain called England, in any Justices of the Peace for restraining the inordinate sale of spirituous liquors, shall extend to and be put in force against all unlicensed traders in spirits or spirituous liquors within the said towns and factories respectively, by the Justices having jurisdiction therein; (1) and that if any question shall arise touching or concerning the true limits and extent of the said towns and factories, or any of them, the same shall be inquired into by the Governor-general in Council at Fort William, in respect to the limits and extent of Calcutta, and by the Governor in Council of Fort Saint George, in respect to the limits and extent of Madras, and the Governor in Council at Bombay, in respect of the town of Bombay; and that such limits as the said respective Governments, by Order in Council, shall declare and prescribe to be the limits of the said towns and factories respectively, shall be held, deemed, and taken in law as the true limits of the same; any custom or usage to the contrary notwithstanding.

By whom the limits of those places shall be prescribed.

(1) [*Vide* Act of Government of India, No. 32 of 1838, in Appendix.]

Directors hereafter elected to take the following

CLX. And be it further enacted, that every person who shall hereafter be elected a Directors of the said Company shall, within ten days next after his election, and before he shall take that office upon him (save only the administering the oath hereinafter mentioned, instead of the oaths now prescribed to be taken by persons elected Directors of the said Company), take the following oath; (that is to say),

Oath.

"I, *A. B.*, do swear, that the sum of two thousand pounds, now standing in my name, "of the stock of the United Company of Merchants of England trading to the East-

"Indies, whereof I am elected to be a Director, doth at this time belong to me in my "own right, and not in trust for any other person or persons whomsoever: And I do "further swear, that in case I shall at any time or times, whilst I shall continue to be a "Director of the said Company, have any dealings or business with the said Company "upon my own account, separately, or in conjunction with any other person or persons, "for or in respect of buying for or selling to the said Company any bullion or other "goods whatsoever, or in making any other bargain or contract whatsoever, by, to, or "with the said Company, then and in every such case, previous to any treaty or negoti-"ation upon such business or businesses, I will declare and record the same upon the "proceedings of the Court or Committee where the same is to be transacted, and that I "will withdraw from such Court or Committee during the discussion thereof, and will "not return thereto until after such business or businesses shall be decided upon: and "I do further swear that I am not directly or indirectly interested or concerned, as an "owner or part-owner, of or in any ship or vessel which at this time is hired or freighted "or is expected to be hired or freighted, to or for the use of the said Company; and that "during the time I shall continue to be a Director of the said Company, I will not be-"come an owner or part-owner of any ship or vessel which is or shall be so freighted, "except such ships, or shares of ships, as shall come to me by bequest or marriage, or as "next of kin of any person who shall die intestate, and that in all such cases I will forth-"with give notice in writing to the Court of Directors of the said Company of my being "so interested; and I do hereby promise that I will sell and dispose of my interest in "such shipping within twelve months next after my interest therein shall accrue, or in "default thereof shall and will vacate my place and office of a Director of the said Com-"pany: and further, I do swear that I will not, directly or indirectly, accept or take any "perquisite, emolument, fee, present, or reward, upon any account whatsoever, or any pro-"mise or engagement for any perquisite, emolument, fee, present, or reward whatsoever, "for or in respect of the appointment or nomination of any person or persons to any "place or office in the gift or appointment of the said Company, or of me as a Director "thereof, or for or on account of stationing or appointing the voyage or voyages of any "ship or ships in the said Company's employ, or for or on account of, or any ways relating "to, any other business or affairs of the said Company: and I do further swear, that I "will be faithful to the said Company, and according to the best of my skill and under-"standing, give my best advice, counsel, and assistance for the support of the good go-"vernment of the said Company, and during my continuance in the said Company will "not at any time or times ship, lade, send, direct, or cause to be sent from England, or "any other country, to the East-Indies, or other parts within the limits wherein the said "Company may lawfully trade by virtue of their Charter of incorporation, or bring "from thence, for my private account, any goods, coins, or other merchandizes, contrary "to an Act of Parliament made in the thirty-third year of the reign of his Majesty King "George the Third, intituled [*here insert the title of this Act*]. (1) And I do further "faithfully promise and swear, that in the office of a Director of the said Company, "I will be indifferent and equal to all manner of persons, and will in all things faith-"fully and honestly demean myself according to the best of my skill and under-"standing.

"So help me GOD."

Which said oath shall be signed by the person or persons taking the same, and shall be administered by any two of the Directors of the said Company, who also shall sign and attest the same; and in case any person so to be elected a Director of the said Company, shall refuse or

neglect to take the said oath within the time aforesaid, his office or place, as a Director of the said Company shall become void.

(1) [By 53 Geo. 3, cap. 155, sec. 76, the year and title of *that* Act are to be inserted instead of the year and title of the Act by which the oath is prescribed.]

Limitation of suits.

CLXII. And be it further enacted, that all suits and prosecutions for any thing done under or by virtue of this Act shall be commenced within the space of three years after the cause of complaint shall have arisen, or, being done in Great Britain, in the absence of any person beyond sea aggrieved thereby, then within the space of three years next after the return of such person to Great Britain.

Commencement of the parts of the Act, for which no particular time is appointed.

CLXIII. And be it further enacted, that so much and such parts of this Act, in respect whereof no particular time or times of commencement is or are herein named or appointed, shall have commencement in Great Britain immediately after this Act shall have received his Majesty's royal assent; and in the East-Indies, and other parts and limits aforesaid, from the first day of February, one thousand seven hundred and ninety-four.

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34 GEORGII III. Cap. XLI.

An Act *to empower the East-India Company to continue a Bond Debt of Two Millions, and to increase the same by a further Sum, as Circumstances may require.*

Preamble.
33 G. 3, c. 47, recited.

Whereas by an Act, made in the last session of Parliament, intituled, "An Act for placing the stock, called East-India Annuities, under the Management of the Governor and Company of the Bank of England, and ingrafting the same on the three pounds per centum reduced Annuities, in redemption of a Debt of four millions two hundred thousand pounds, owing by the public to the East-India Company; and for enabling the said Company to raise a sum of Money by a further increase of their capital Stock, to be applied in discharge of certain Debts of the said Company;" it was amongst other things enacted, that it should be lawful for the said Company, with the consent of the Commissioners of his Majesty's Treasury, or any three of them, or the high treasurer for the time being, at any time or times thereafter, to open books and receive subscriptions for enlarging their then present capital stock or fund of five millions to any sum not exceeding the further sum of one million, so as to make their whole capital stock the sum of six millions; and that the said Company should, out of the monies to arise by the said subscriptions, in the first place, apply so much thereof as should be sufficient for the purpose in reducing their bond debt in Great Britain to the sum of one million five hundred thousand pounds, and after such reduction made, or a sufficient sum set apart and reserved for that purpose, that the said Company should and might apply and dispose of the residue of the monies arising by the said subscriptions in the discharge of such other debts due or coming due from them as they should think fit: and it was thereby also enacted, that after the said bond debt should have been so reduced to one million five hundred thousand pounds as aforesaid, it should not be lawful for the said Company again to increase

the same beyond that amount, unless with the approbation of the Board of Commissioners for the affairs of India, for that purpose in writing first had and obtained, and that the whole increase to be made to the said bond debt should in no wise exceed the sum of five hundred thousand pounds: and whereas the said Company have accordingly received subscriptions in the manner by the said Act directed, whereby their capital stock hath been increased to six millions, and the said Company have, out of the monies arising by the said subscriptions, paid, bought up, or otherwise discharged bonds to the amount of one million one hundred and fifty thousand five hundred and seventy-five pounds, or thereabouts, and have set apart a sufficient sum for the purchase or discharge of as many more bonds as will reduce the said debt to two millions: and whereas, in the present state of the affairs of the said Company, it will be for their convenience and advantage, that instead of applying any further part of the money which hath arisen by the said subscription, in or towards a further reduction of their said bond debt, beyond the sum already set apart as aforesaid, the Company should be permitted to apply the same to the general purposes of their commerce, and to continue on foot the said bond debt of two millions, and it is also expedient that the said Company should be permitted to increase their said bond debt by a further sum not exceeding one million, as circumstances may require: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the said Company to keep on foot and continue their said bond debt in Great Britain at the aforesaid amount of two millions, and to apply the surplus monies of the said subscriptions remaining, after reducing or setting apart a sufficient sum to reduce the said bond debt to the amount aforesaid, to and for the general purposes of their trade and commerce; and further, that it shall and may be lawful for the said Company, by and with the approbation and consent of the Board of Commissioners for the affairs of India for the time being, at any time or times hereafter, to borrow upon and issue bonds, under their common seal, for any further sum or sums of money, not exceeding in the whole the sum of one million, for the purposes of their trade, as circumstances may require; any thing contained in the said Act, or in any other Act, to the contrary notwithstanding. (1)

Company may continue their bond debt of £2,000,000, and borrow a further sum of £1,000,000.

(1) [By 9 & 10 Wm. 3, cap. 44, sec. 75, the corporations, societies, fellowships, companies, and constitutions established under that Act (from which *The English Company trading to the East-Indies* originated) were not to borrow money except on their common seal, and for the purposes of trade; and no sums thus borrowed were to be repayable at a shorter period than six months. By 6 Anne, cap. 17, sec. 2, *The English Company*, to enable them to lend money to the Crown to carry on the war, were authorized to borrow £1,500,000, in addition to any amount which might previously be lawfully borrowed on their common seal. By 7 Geo. 1, cap. 5, sec. 32, *The United Company* were authorized to borrow to an amount not exceeding at any one time the sum due at such time from the public to the Company, or not exceeding five millions in the whole. The 17 Geo. 2, cap. 17, sec. 8, allowed them to borrow an additional million, to enable them to raise and pay a like

sum for the service of the Crown. The 23 Geo. 2, cap. 22, which among other objects was " for empowering the East-India Company to raise certain Sums by transferable Annuities," directs in sec. 6, that the money so raised shall be applied in discharge of the bond debt, but the power of borrowing given by previous Acts of Parliament is continued and confirmed. The 13 Geo. 3, cap. 64, sec. 13, prescribed means for reducing the bond debt to £1,500,000, and it was accordingly so reduced, as is recited in 19 Geo. 3, cap. 61, 20 Geo. 3, cap. 56, and 21 Geo. 3, cap. 65. The 23 Geo. 3, cap. 36, sec. 2, allowed an addition of £500,000. The 23 Geo. 3, cap. 83, sec. 8, and the 24 Geo. 3, cap. 34, sec. 4, contemplated a reduction to the former amount of £1,500,000 ; but the 28 Geo. 3, cap. 29, sanctioned an increase of £1,200,000. The 33 Geo. 3, cap. 47, sec. 14, again directed the bond debt to be reduced to £1,500,000, but sec. 15 provided that, with the approbation of the Board, it might be subsequently increased by a sum not exceeding £500,000. By the 34 Geo. 3, cap. 41, which appears above, it will be seen that the bond debt was allowed to remain at £2,000,000, and might, with the approbation of the Board, be increased to £3,000,000.

Other enactments on the subject followed at various intervals of time, which will be found in their proper places. By 37 Geo. 3, cap. 31, the Company were empowered to enlarge their capital stock by £2,000,000; but, by 47 Geo. 3, sess. 2, cap. 41, instead of thus enlarging their capital stock, they were authorized to increase their bond debt by £2,000,000, provided that thereafter any money raised under the former Act for enlarging their capital stock should be applied in reduction of the bond debt until it was brought down to £3,000,000. No increase of the capital stock of the Company was made, and consequently no reduction on that account took place in the amount of the bond debt. Finally, the 51 Geo. 3, cap. 64, sec. 1, enabled the Company to borrow £2,000,000 on bond, in addition to any sums which previously they might lawfully raise by such means. The same Act, (sec. 2), repealed so much of 47 Geo. 3, cap. 41, as directed that the bond debt should be reduced in proportion to the increase of capital stock, but enacted that when under its provisions, together with those of 37 Geo. 3, cap. 31, and 47 Geo. 3, cap. 41, the sum of £4,000,000

had been raised no further sums should be raised on bond. Thus the whole sum of £4,000,000 being raised by bond no addition could be made to the capital stock. The entire effect of the various enactments respecting the bond debt was to enable the Company, with the approbation of the Board, to borrow £7,000,000 on that species of security.]

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36 GEORGII III. Cap. CXIX.

An Act *to enable the United Company of Merchants of England trading to the East-Indies, to purchase certain Houses and Grounds contiguous to the East-India House, and to widen the North End of Lime Street.*

The 15th section of this Act directs that the Company shall widen and pave part of Lime Street. The 16th, which follows, is the only portion of the Act necessary to be retained here.

United Company not liable to pay future repairs thereof.

XVI. Provided always, that nothing herein contained shall extend, or be construed to extend, to charge the said United Company alone with repairing or making good the pavement of Lime Street aforesaid in future; but that, from and after the same shall have been well and effectually paved as aforesaid, by the said United Company, the same shall for ever then after be kept in repair by such person or persons, companies or societies, which now are, or hereafter shall be, chargeable with the repairs of the public streets in the said parish of Saint Andrew Undershaft.

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37 GEORGII III. Cap. XXXI.

An Act *to enable the East-India Company to raise Money by further increasing their Capital Stock, and to extend the Provisions now existing respecting the present Stock of the Company to the said increased Stock.*

The increase of capital stock authorized by this Act was never effected. See note on section 11 of 3 & 4 Wm. 4, cap. 85.

37 GEORGII III. Cap. CXVII.

An Act *for regulating the Trade to be carried on with the British Possessions in India, by the Ships of Nations in Amity with his Majesty.*

Preamble.

12 Car. 2, c. 18, recited.

Whereas by an Act, passed in the twelfth year of the reign of his late Majesty King Charles the Second, intituled, "An Act for the encouraging and increasing of Shipping and Navigation," it was enacted, that, from and after the first day of December one thousand six hundred and sixty, and from thenceforward, no goods or commodities shall be imported into or exported out of any lands, islands, plantations, or territories, to his Majesty belonging or in his possession, or which may hereafter belong unto or be in the possession of his Majesty, his heirs and successors, in Asia, Africa, and America, in any other ship or ships, vessel or vessels, than such as do truly and without fraud belong unto the people of England or Ireland, dominion of Wales, or town of Berwick-upon-Tweed, or are the built of and belonging to any of the said lands, islands, plantations, or territories, as the proprietors and right owners thereof, and whereof the master and three-fourths of the mariners at least are English, under certain penalties and forfeitures therein mentioned: and whereas it is expedient that the ships and vessels of countries and states in amity with his Majesty should be allowed to import goods and commodities unto, and to export the same from the British territories in India, subject to certain restrictions and regulations: be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, and during the continuance of the exclusive trade of the United Company of Merchants of England trading to the East-Indies, and during the term for which the possessions of the British territories in India is secured to the said United Company,(1) it shall and may be lawful for the ships and vessels of countries and states in amity with his Majesty, to import into and export from the British possessions in India, such goods and commodities as they shall be permitted to import into and export from the said possessions by the Directors of the said Company, who are hereby directed to frame such regulations for carrying on the trade to and from the said possessions, and the countries and states in amity with his Majesty, as shall seem to them most conducive to the interest and prosperity of the said British possessions in India, and of the British empire; and no ship or vessel belonging to any of the subjects of states or countries in amity with his Majesty shall be liable to seizure, confiscation, or forfeiture, or other penalty, for exporting from or importing into the said British possessions in India, any goods or commodities, the importation or exportation of which respectively shall be permitted by the said regulation; any thing in the said herein-before recited Act of the twelfth year of the reign of King Charles the Second, to the contrary notwithstanding: provided always, that it shall not be lawful for the Directors of the said United Company to frame any regulations for the conduct of the said trade, which shall be inconsistent with any treaty or treaties which shall have been or may be entered into by his Majesty, his heirs and successors, and any country or state at amity with his Majesty, or which may be inconsistent with any Act or Acts of Parliament which have been passed for the regulation of the trade and commerce of the said British territories in India.

Vessels of countries in amity with his Majesty may import into, and export from, the British possessions in India, goods permitted by the East-India Directors, not contrary to treaties or law.

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 2, which continues all powers and authorities (not inconsistent with its enactments) granted by any

former Act for the term limited by 53 Geo. 3, cap. 155, the last-named Act having granted an extension of the term in progress when the 37 Geo. 3, cap. 117, was passed.]

II. And be it further enacted, that all such regulations as shall be framed by the said Court of Directors, for carrying on the trade to and from the British possessions in India, and the countries and states in amity with his Majesty, shall be and they are hereby directed to be subject to the superintendence, direction, and control of the Board of Commissioners for the affairs of India, in the same manner as all Acts, operations, and concerns, which anywise relate to or concern the civil and military governments and revenues of the British territories and acquisitions in the East-Indies now are.

Regulations framed by the Directors to be subject to the control of the Board of Commissioners.

III. And be it further enacted, that it shall not be lawful for any General Court of Proprietors to alter or change, or to direct, or order, or authorize, the altering or changing, any resolution of the Court of Directors, or to rescind, revoke, suspend, or vary the same, in so far as the same relates to the intercourse of foreign nations in amity with his Majesty and the British territories in India.

Court of Proprietors not to alter any resolution of the Directors relating to intercourse of foreign nations in amity with his Majesty and the British territories in India.

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37 GEORGII III. Cap. CXLII.

An Act *for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India.*

Whereas by an Act, passed in the thirteenth year of the reign of his present Majesty, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," it was enacted, that it should be lawful for his Majesty, by Letters Patent, under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William in Bengal, to consist of a Chief Justice and three other Justices, being barristers of England or Ireland, of not less than five years standing, to be named from time to time by his Majesty, his heirs and successors: and whereas by the said Act, and by divers other Acts of Parliament, certain jurisdictions, powers, and authorities, were given to the said Court to be exercised in the manner therein directed: and whereas it may be expedient that the number of Judges should be reduced; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that immediately after the death, resignation, or removal of any of the Puisne Judges of the said Supreme Court, that the office of one of the said Puisne Judges shall be and the same is hereby suppressed; and from and immediately after such death, resignation, or removal, the said Supreme Court shall consist of a Chief Justice, and two other Judges only; and all powers, jurisdictions, and authorities whatsoever, shall, from and after such period as aforesaid, be enjoyed and exercised by the said Chief Justice and other Judges, in as full and ample a manner as the same might have been held,

Preamble.
13 G. 3. cap. 63.

On the death, &c. of any of the Puisne Judges of the Supreme Court of Judicature in Bengal, it shall consist of a Chief Justice and two other Judges.

enjoyed, and exercised, by the said Supreme Court under the authority of the said herein-before recited Act, or any other Act or Acts of Parliament, or under the Charter of Justice, granted by his Majesty under the authority of the same.

His Majesty may direct the payment of a yearly sum out of the territorial revenues to any Chief Justice, or other Judge, returning to Europe.

II. And whereas his Majesty has by law no power to direct the application of any part of the revenues of the territorial acquisitions in India, as a provision for a Chief Justice, or other Judge, of the said Supreme Court, who, from infirmity, or other causes approved of by his Majesty, may return to Europe: and whereas it is expedient that such power, to a limited extent, be vested in his Majesty, his heirs and successors; be it therefore enacted, by the authority aforesaid, that from and after the death, resignation, or removal, of one of the Judges of the said Supreme Court, and the suppression of the said office in the manner herein-before directed, that it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his royal sign manual, to authorize and direct the payment of a competent yearly sum out of the revenues arising from the territorial acquisitions in India, to be applied for the use and behoof of any Chief Justice or other Judge, who, from age, infirmity, or other cause, to be approved of by his Majesty, his heirs and successors, shall return to Europe. (1)

(1) [The required term of residence, and the amount of revenue, were variously determined by 39 & 40 Geo. 3, cap. 79, 55 Geo. 3, cap. 84, and 4 Geo. 4, cap. 71. For the present law on those points, see 6 Geo. 4, cap. 85, secs. 7, 8, 10, 12.]

The Supreme Court, where the matter in dispute does not exceed 1,000 pagodas, may direct depositions to be filed of record, or not.

IV. And whereas, by the Charter of Justice granted-by his Majesty, under the authority of the herein-before recited Act, passed in the thirteenth year of his present Majesty's reign, the said Supreme Court of Judicature was directed and required to reduce, or cause to be reduced, to writing, the depositions of witnesses in civil causes, and was directed to require the same to be subscribed by such witnesses, with their name or other mark, and to file the same of record: and whereas by the same Charter of Justice, it was also directed that no appeal should be allowed from the said Supreme Court of Judicature, unless the value of the matters in dispute exceed the sum of one thousand pagodas:(1) and whereas the requiring the depositions of witnesses to be reduced into writing, and filed of record, is productive of much expense and delay in small causes, where the value of the matter in dispute does not exceed one thousand pagodas, and which, for that reason, cannot be made the subject of appeal;(1) be it therefore enacted, that, from and after the passing of this Act, it shall be in the discretion of the said Supreme Court, in all cases when the value of the matter in dispute does not exceed one thousand pagodas, either to direct the deposition of witnesses to be reduced into writing, and filed of record, or not, as the said Court shall think fit, in the particular case; any thing in the said Charter of Justice contained to the contrary notwithstanding.

(1) [Under section 24 of 3 & 4 Wm. 4, cap. 41, which empowers his Majesty in Council to make regulations as to the amount or value of the property in respect to which any appeal may be made, an order was passed on the 10th April 1838, fixing 10,000 Company's rupees as the

minimum for which an appeal from any Court in India may be preferred as matter of right.]

VIII. And whereas certain regulations for the better administration of justice among the native inhabitants and others, being within the provinces of Bengal, Bahar, and Orissa, have been from time to time framed by the Governor-general in Council in Bengal; and among other regulations it has been established and declared as essential to the future prosperity of the British territories in Bengal, that all regulations passed by Government, affecting the rights, properties, or persons of the subjects, should be formed into a regular code, and printed, with translations, in the country languages, and that the grounds of every regulation be prefixed to it; and that the Courts of Justice within the provinces be bound to regulate their decisions by the rules and ordinances which such regulations may contain, whereby the native inhabitants may be made acquainted with the privileges and immunities granted to them by the British Government, and the mode of obtaining speedy redress for any infringement of the same: and whereas it is essential that so wise and salutary a provision should be strictly observed, and that it should not be in the power of the Governor-general in Council to neglect or to dispense with the same; be it therefore enacted, that all regulations which shall be issued and framed by the Governor-general in Council at Fort William in Bengal, affecting the rights, persons, or property of the natives, or of any other individuals who may be amenable to the Provincial Courts of Justice, shall be registered in the judicial department, and formed into a regular code, and printed, with translations, in the country languages, and that the grounds of each regulation shall be prefixed to it; and all the Provincial Courts of Judicature shall be, and they are hereby directed to be bound by and to regulate their decisions by such rules and ordinances as shall be contained in the said regulations; and the said Governor-general in Council shall annually transmit to the Court of Directors of the East-India Company ten copies of such regulations as may be passed in each year, and the same number to the Board of Commissioners for the affairs of India.

Regulations of the Governor-general in Council, which affect the natives or others amenable to the Courts of Justice, to be printed, with translations, in the country languages;

Provincial Courts of Judicature to be bound by such regulations: copies to be transmitted to Court and Board.

The ninth section declares that it shall be lawful for his Majesty to erect Courts of Judicature at Madras and Bombay, having a Recorder, &c. By the 39th and 40th Geo. 3, cap. 79, his Majesty is empowered to erect a Supreme Court of Judicature at Madras; and all powers and authorities granted by this Act to the Recorder's Court are to be transferred to the Supreme Court. By the 4th Geo. 4, cap. 71, a similar Court is to be erected at Bombay, and similar provision is made for the transfer of the powers and authorities of the Recorder's Court there.

These powers and authorities, with their limitations, will be found in several of the following sections.

X. Provided nevertheless, and be it further enacted, that the said new Charter, which his Majesty is hereby empowered to grant, and the jurisdiction, powers, and authorities, to be thereby established, shall extend to all British subjects who shall reside within any of the factories subject to or dependant upon the governments of Madras and Bombay respectively; and the said Charter shall be competent and effectual, and the said Courts therein and thereby established shall have full power and authority, according to their respective jurisdictions, to

Extent of [illegible]

hear and determine all and all manner of complaints against any of his Majesty's subjects, for any crimes, misdemeanors, and oppressions, committed or to be committed, and also to hear and determine all suits and actions whatsoever against any of his Majesty's subjects arising in territories subject to or dependant upon the said governments of Madras and Bombay respectively, or within any of the territories whic now are or hereafter may be subject to or dependant upon the said governments, or within any of the dominions of the native Princes of India in alliance with the said governments respectively, or against any person who at the time when such debt or cause of action shall have arisen, have been employed by, or shall have been directly or indirectly in the service of the United Company, or any of his Majesty's subjects; provided always, that the said Court shall not be competent to hear, try, and determine any indictment or information against the Governor or any of the Council, not being treason or felony, which the Governor or any of the Council at Madras or Bombay respectively shall or may be charged with having committed within the jurisdiction of the said Courts respectively.

Court not competent to try informations against the Governor or Council, except for treason or felony.

Courts may try all suits which, by authority of Parliament might be tried by the Mayor's Courts, or Courts of Oyer and Terminer.

XI. And be it further enacted, that the said Courts, so to be erected as aforesaid, shall have full power and authority to hear, try, and determine all and all manner of suits and actions, either civil or criminal, which by the authority of any Act or Acts of Parliament may now be heard, tried, or determined by the Mayor's Court at Madras or Bombay respectively, or by the Courts of Oyer and Terminer or Gaol Delivery there; and all powers, authorities, and jurisdictions, of what kind or nature soever, which by any Act or Acts of Parliament may be or are directed to be exercised by the said Mayor's Courts, or the said Courts of Oyer and Terminer and Gaol Delivery, shall and may be as fully and effectually exercised by the said Courts, to be erected in the manner aforesaid, as the same might have been exercised and enjoyed by the said Mayor's Courts or Courts of Oyer and Terminer and Gaol Delivery respectively: provided always, that nothing in this Act shall extend to subject the person of the Governor, or any of the Council at the respective settlements, or the person of the Recorder of the said Court, to be arrested or imprisoned in any suit, action, or proceeding in the said Court; nor shall it be competent for the said Courts, within their respective jurisdictions, to hear or determine, or to entertain and exercise jurisdiction in any suit or action against the Governor, or any of the Council at the said settlements of Madras and Bombay respectively, for or on account of any act or order, or any other act, matter, or thing whatsoever, councilled, ordered, or done by them in their public capacity, or acting as Governor and Council; nor shall the said Court have or exercise any jurisdiction in any matter concerning the revenue under the management of the said Governor and Council respectively, either within or beyond the limits of the said towns, forts, or factories, or concerning any act done according to the usage and practice of the country, and the regulations of the Governor and Council; and no person shall be subject to the jurisdiction of any of the said Courts for or by reason of being a landowner, landholder, or farmer of land or of land-rent, or for receiving a pension or payment in lieu of any title to ancient possession of land or land-rent, or for receiving any compensation or share of profits for collecting rents payable to the public out of such lands or districts as are actually farmed by himself, or those who are his under-tenants by virtue of the farm, or for exercising within the said lands or farms any ordinary or local authority commonly annexed to the possession or farm thereof, or for or by reason of his becoming security for the payment of the rents reserved, or otherwise payable out of any lands or farms, or farms of lands, within the dominion subject to the Governments of Madras and Bombay respectively; and no person for or by reason of his being employed by the said Company, or the Governor and Council, or by any person deriving authority under them, for or on

The Governor, Council, and Recorder of the Court, not subject to arrest.

Jurisdiction of the Courts not to extend to Governor or Councillors for acts in public capacity, nor to revenue matters.

No person to become subject to jurisdiction of Court by being a landholder or farmer, nor by reason of being employed by Company or native of Great Britain, except in certain cases.

account of his being employed by a native, or the descendant of a native, of Great Britain shall become subject to the jurisdiction of the said Courts respectively, in any matter of inheritance or succession to goods or lands, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses only.

XII. And, in order that due regard may be had to the civil and religious usages of the natives; be it enacted, that the rights and authorities of fathers of families, and masters of families, according as the same may be exercised by the Gentoo or Mahomedan law, shall be preserved to them within their families respectively, nor shall the same be violated or interrupted by any of the proceedings of the said Courts; nor shall any act done in consequence of the rule or law of caste, so far as respects the members of the same family only, be deemed a crime, although the same may not be justifiable by the laws of England.

Rights of fathers and masters of families to be preserved.

XIII. And be it further enacted, that the said Courts so to be erected as aforesaid, shall have full power to hear and determine all suits and actions that may be brought against the inhabitants of Madras and Bombay respectively, in the manner that shall be provided by the said Charter; yet, nevertheless, their inheritance and succession to lands, rents, and goods, and all matters of contract and dealing between party and party, shall be determined, in the case of Mahomedans, by the laws and usages of the Mahomedans, and where the parties are Gentoos, by the laws and usages of the Gentoos, or by such laws and usages as the same would have been determined by if the suit had been brought, and the action commenced, in a native Court: and where one of the parties shall be a Mahomedan or Gentoo, by the laws and usages of the defendant; and in all suits so to be determined by the laws and usages of the natives, the said Court shall make such rules and orders for the conduct of the same, and frame such process for the execution of their judgments, sentences, or decrees, as shall be most consonant to the religions and manners of the said natives, and to the said laws and usages respectively, and the easy attainment of the ends of justice; and such means shall be adopted for compelling the appearance of witnesses, and taking their examination, as shall be consistent with the said laws and usages, so that the said suits shall be conducted with as much ease, and at as little expense, as is consistent with the attainment of substantial justice.

Courts may determine suits against the inhabitants according to the Charter, but their inheritance of lands, &c. to be determined as would have been done in a native Court; and where one party is a Mahomedan or Gentoo, by the usages of the defendant, &c.

XIV. And be it further enacted, that no action for wrong or injury shall be brought against any person whatever exercising a judicial office in any country Court, for any judgment, decree, or order of the said Court, or against any person for any act done by or in virtue of the order of the said Court; and in case any information is intended to be brought against any such person or officer, the same shall be brought and proceeded in, in the same manner, and to all intents and purposes in the same form, and to the same effect, as such informations are directed to be proceeded in before the Supreme Court of Judicature at Calcutta in Bengal, by an Act, passed in the twenty-first year of his Majesty's reign, (1) intituled, "An Act to explain and amend so much of an Act, made in the thirteenth year of the reign of his present Majesty, intituled, 'An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe,' as relates to the Administration of Justice in Bengal; and for the Relief of certain Persons imprisoned at Calcutta in Bengal under a Judgment of the Supreme Court of Judicature, and also for indemnifying the Governor-general and Council of Bengal, and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court."

No action for wrong to be brought against a judicial officer for any order of Court, nor for any act done by virtue of any such order; but if any information is intended, it must be brought according to 21 G. 3 c. 70.

(1) [21 Geo. 3, cap. 70, secs. 25 and 26.]

A registry of natives employed by the Company or British subjects to be established as at Calcutta.

XV. And be it further enacted, that a registry of the natives employed in the service of the said Company, or in the service of British subjects or their partners, shall be established within the settlements of Madras and Bombay respectively, in the same manner, to the same effect, to the like extent, and for the like purpose, and subject to the like penalties, as such register is established at Calcutta, by the said Act passed in the twenty-first year of his present Majesty's reign. (1)

(1) [21 Geo. 3, cap. 70, secs. 11 to 16.]

His Majesty to direct in the Charter that persons may appeal from the Courts to his Majesty in Council.

XVI. And be it further enacted, that it shall and may be directed, in and by the said new Charter which his Majesty is herein empowered to grant, that in case any person or persons whatever shall think him, her, or themselves aggrieved, by any judgment or determination of either of the said Courts of Judicature, to be established as aforesaid, he, she, or they may appeal from such judgment or determination to his Majesty in Council, within such time and in such manner, and in such cases, as his Majesty in his said Charter shall judge proper and reasonable to be appointed and prescribed.

Records of the Mayor's Courts, or the Courts of Oyer and Terminer, to be deposited in the new Courts.

XVII. And be it further enacted, that if his Majesty shall grant such Charter as aforesaid, and erect such Courts of Judicature at Madras and Bombay, all the records and muniments and proceedings whatsoever, of and belonging to the said Mayor's Courts at Madras and Bombay respectively, or to the Courts of Oyer and Terminer and Gaol Delivery, there established by the aforesaid Charter of his late Majesty, shall, from and immediately after such Courts of Judicature as his Majesty is herein empowered to erect shall be established, be delivered over, preserved, and deposited, for safe custody in the said new Courts of Judicature respectively; to which all parties concerned shall and may have resort and recourse, upon application to the said Court.

Jurisdiction of the Mayor's Courts, and of the Presidents and Council, as Courts of Appeal, to cease on publication of new Charter.

XVIII. And be it further enacted, that so much of the Charter granted by his late Majesty, as confers any civil, criminal, or ecclesiastical jurisdiction upon the Mayor's Courts of Madras and Bombay respectively, or upon the President and Council as a Court of Appeal from the said Courts, or of Oyer and Terminer and Gaol Delivery, at the said settlements, or the subordinates thereto belonging, in case a new Charter shall be granted by his Majesty, and shall be openly published at Madras and Bombay respectively, from and immediately after such publication shall cease and determine, and be absolutely void to all intents and purposes; and all judicial powers and authorities granted by any Act or Acts of Parliament to the said Mayor's or Courts of Appeal at the said settlements, shall cease and determine, and be no longer exercised by the said Courts; but the same shall and may be exercised by the Courts of Judicature to be erected by virtue of this Act, in the manner, and to the extent hereinbefore directed: but nevertheless the said Charter shall, in all other respects, continue in full force and effect, to all intents and purposes, according to the true intent and meaning thereof, except in so far as it is altered or varied by this Act, as fully and effectually as if this Act had not been made, or such new Charter should not have been granted.

All new forms of process to be transmitted to the Board for India affairs.

XXVII. And be it further enacted, that all new forms of process, or rules and orders for the execution thereof, shall be transmitted to the President of the Board of Commissioners for the affairs of India, to be laid before his Majesty for his royal approbation, correction, or re-

fusal; and such process shall be used, and such rules shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.

From Dec. 1, 1797, no British subject to lend any money, or be concerned in raising any for native Princes, without consent of the Court of Directors, or the Governor in Council; and any person doing so may be prosecuted for a misdemeanor.

XXVIII. And whereas the practice of British subjects lending money, or being concerned in the lending of the same, or in transactions for the borrowing money for, or lending money to, the native Princes in India, has been productive of much mischief, and is the source of much usury and extortion: and whereas the wholesome orders of the Court of Directors of the United Company of Merchants trading to India have not been sufficient to restrain and repress the same: and whereas it is highly desirable that such practices should be prevented in future; be it therefore enacted, that, from and after the first day of December next, no British subject shall, by himself, or by any other person directly or indirectly employed by him, lend any money or other valuable thing to any native Prince in India, by whatever name or description such native Prince shall be called; nor shall any British subject, either by himself, or by any other person directly or indirectly employed by him, be concerned in the lending any money to any such native Prince; nor shall any British subject be concerned, either by himself or by any other person, either directly or indirectly, in raising or procuring any money for any such native Prince, or as being security for such loan or money; nor shall any British subject lend any money or other valuable thing to any other person for the purpose of being lent to any such native Prince, nor shall any British subject, by himself or by any other person, either directly or indirectly, for his use and benefit, take, receive, hold, enjoy, or be concerned in any bond, note, or other security or assignment, granted or to be granted by any such native Prince, after the first day of December next, for the loan, or for the repayment, of money, or other valuable thing, without the consent and approbation of the Court of Directors of the East-India Company, or the consent and approbation of the Governor in Council of one of the said Company's Governments in India, first had and obtained in writing; and every person doing, acting, or transacting, or being concerned in any actings, doings, and transactions, contrary to this Act, shall be deemed and taken to be guilty of a misdemeanor at law, and shall and may be proceeded against and punished as such, by virtue of this Act, before any Court of competent jurisdiction; and all bonds, notes, assignments, or securities for money, of what kind or nature soever, taken, held, or enjoyed, either directly or indirectly, for the use and benefit of any British subject, contrary to the true intent and meaning of this Act shall be, and the same are hereby declared to be null and void to all intents and purposes.

Security for money lent contrary hereto, to be void.

On complaint to the Governments in India for acting contrary to this Act, the case to be laid before the law officers, whose report shall be transmitted to the Court of Directors.

XXIX. And be it further enacted, that when and so often as any information shall be given, or complaint made, to any of the Goverments of the said United Company in the East-Indies, of any person having acted contrary to the provisions of this Act, such Governments shall forthwith lay the case before the Company's law officers at the settlement where it arises, who shall take the same into their consideration, and report their opinion thereupon, whether the same is a proper case for prosecution (together with their reasons for the same), which report shall be transmitted home to the Court of Directors by the first convenient opportunity.

Jurisdictions of the Courts of Requests at Madras, Bombay, and Calcutta, extended to eighty rupees.

XXX. And whereas the provision made by the Charter of Justice of his late Majesty, for the establishment of a Court of Requests in and for the towns of Madraspatnam, Bombay, and Calcutta, for the recovery of debts, duties, and demands therein, not exceeding the value of five pagodas, in manner therein directed, hath been found beneficial and convenient: and whereas an extension of jurisdiction of the said Courts for the recovery of debts, duties, and demands, to a larger amount in value, is found to be useful; be it therefore enacted by the authority aforesaid, that the jurisdiction of the said Courts of Requests at and for the said

towns of Madraspatnam, Bombay, and Calcutta, respectively, shall be and the same is extended to the recovery of all or any manner of debts, duties, and demands, not exceeding in value the sum of eighty current rupees respectively; and for that purpose that the Commissioners of the said Courts of Requests, and their successors, shall have full power and authority to hear and determine all actions, plaints, and suits, which have grown, or shall be brought before them, in their said respective Courts where the debt, duty, or matter in dispute, shall not exceed the said value of eighty current rupees, and to award execution thereupon for the debt or sum adjudged to be due, in the same manner as they now do for debts and demands under the sum of five pagodas.

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39 GEORGII III. Cap. CIX.

An Act *for better Recruiting the Forces of the East-India Company.* [12*th July*, 1799.]

Preamble. Whereas the United Company of Merchants of England trading to the East-Indies are by law entitled to maintain and keep up, and at their own costs and charges do maintain and keep up, a military force in their settlements abroad, for the defence and protection of the territorial acquisitions and revenues of which they are in possession, and for the defence and protection of their trade; and by an Act of Parliament made in the twenty-first year of the reign of his present Majesty, intituled, "An Act for establishing an Agreement with the United Company of Merchants of England trading to the East-Indies, for the payment of the Sum of Four hundred thousand Pounds, for the Use of the Public, in full Discharge and Satisfaction of all Claims and Demands of the Public, from the time the Bond Debt of the said Company was reduced to one million five hundred thousand Pounds, until the First Day of March one thousand seven hundred and eighty-one, in respect of the Territorial Acquisitions and revenues lately obtained in the East-Indies; and also for securing to the Public in respect thereof, for a Term therein mentioned, a certain part or Proportion of the clear Revenues and Profits of the said Company; and for granting to the said Company, for a further Term, the sole and exclusive Trade to and from the East-Indies, and Limits therein mentioned; and for establishing certain Regulations for the better Management of the Affairs of the said Company, as well in India as in Europe, and the recruiting the Military Forces of the said Company," (21 G. 3, c. 65.) certain regulations are established for the said Company's raising recruits in Great Britain, but no provision is made, by virtue of which such recruits can be trained, arrayed, exercised, or disciplined, during their abode in this kingdom, or whereby they can be subjected to military law previous to their embarkation for, and during their passage to, the places where the said United Company are entitled to maintain and keep such militia force: and whereas it is expedient that his Majesty's officers should be authorized in certain cases to enlist recruits for service, either in his Majesty's troops or in the forces of the said United Company, as his Majesty shall think fit to direct; and that all recruits so raised and transferred over to, or enlisted by officers in the service of the said United Company, should be trained, arrayed, exercised, and disciplined in the use of arms, previous to their departure for places abroad; and that they should be subjected to military law during their abode in this kingdom, and during their passage to, and before their arrival at such places: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the

Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for his Majesty, his heirs and successors, to order and cause such of his officers as he shall see fit, to levy, enlist, and raise such number of men as from time to time his Majesty shall think fit, for the special purpose of serving in the East-Indies, either in his Majesty's troops, or in the forces of the said United Company.

His Majesty may order officers to levy men to serve in the East-Indies in his Majesty's troops or the Company's forces.

The Act goes on to prescribe a particular form of oath to be administered to recruits thus raised, and the second section directs the Justice before whom the recruit shall appear to tender the oath; but by 3 & 4 Vict. cap. 6, sec. 36, (the annual Mutiny Act) the forms prescribed therein, and no other are to be used during the continuance of that Act.

III. And be it further enacted, that it shall and may be lawful to and for his Majesty, his heirs and successors, upon the petition of the Court of Directors of the said United Company, to cause so many recruits or soldiers, who shall have been raised by his Majesty's officers for the special purpose hereinbefore mentioned, as the said Court of Directors shall petition for, and as his Majesty, his heirs or successors, shall see fit to grant, to be transferred over to the service of the said United Company, which transfer shall be made by such recruits or soldiers being delivered over by such officer in his Majesty's service, who shall have the command of them, at such place as his Majesty shall think proper to appoint, to such person or persons as the said Court of Directors shall appoint to receive them.

His Majesty, on petition of the Court of Directors, may cause recruits to be transferred to the service of the Company.

IV. Provided always, and be it enacted, that the said United Company shall not be obliged to receive into their service any recruit or soldier who shall be an invalid, or who shall have any bodily infirmity.

Company not obliged to receive invalids.

V. And be it further enacted, that the said United Company shall pay unto such person or persons for the use of his Majesty, as shall be appointed for that purpose in writing by the Commissioners of his Majesty's Treasury, or any three or more of them, or by the Lord High Treasurer for the time being, such sum and sums of money as from time to time shall be agreed upon between one of his Majesty's principal Secretaries of State on behalf of his Majesty, and the said Court of Directors, to reimburse the expense of raising such recruits and soldiers as shall be transferred into the service of the said United Company in manner hereinbefore mentioned; and that, over and above such sum, the said United Company shall in like manner pay to such person or persons as aforesaid, the costs of the subsistence of each recruit, from the time of his enlistment to the time of his being delivered over to the said United Company, as hereinbefore mentioned.

Company to pay such sum as shall be agreed upon for such recruits, and their subsistence, from enlistment.

VI. And be it further enacted, that the said United Company shall and may deposit, keep, maintain, pay, train, and exercise in the use of arms, such men as they may from time to time enlist and engage in their service, under and by virtue of the authority of the said Act of the twenty-first year of his Majesty's reign, and such men as shall be transferred over to their service in manner herein-mentioned, in any of his Majesty's garrisons, or at

Company may train men enlisted under recited Act, and transferred under this, in Great Britain, Guernsey, or Jersey, and may grant drafts to be sent abroad.

such other place or places within Great Britain, or the Islands of Guernsey or Jersey, as shall be approved of by his Majesty; and that the said United Company, or their Court of Directors, may, from the men so enlisted or transferred as aforesaid, make drafts of non-commissioned officers and soldiers, to be from time to time sent abroad in the said United Company's service, as they shall think proper and necessary.

Court of Directors, with the approbation of his Majesty, may appoint officers holding commissions from his Majesty and the Company, for disciplining the men, out of whom they may appoint serjeants, &c.

VII. And be it further enacted, that for the purpose of raising, receiving, keeping, training, and exercising the men so enlisted by license from his Majesty as aforesaid, it shall and may be lawful for the Court of Directors of the said United Company, with the approbation of his Majesty, signified under the handwriting of one of his Majesties principal Secretaries of State, to appoint, from and amongst such officers in the service of the said United Company, as may be in England, on furlough or by leave of absence, from their duty in India, or who have retired from the service of the said Company, and shall hold and have commissions from his Majesty as well as from the said United Company, one commanding officer, and such other commissioned officers, of such ranks and with such commissions as shall be necessary for the training, exercising, and disciplining such men so enlisted or transferred as aforesaid, until they shall be sent abroad; and that it shall also be lawful for the said Court of Directors to appoint, from the number of men so enlisted or transferred as aforesaid such number of serjeants, corporals, drummers, and fifers, as shall be necessary for the same purpose.

Company not to enlist above a certain number of men, nor appoint more than the necessary number of commissioned officers.

Officers not to have any power longer than they hold commissions from his Majesty.

No more than a certain number of men enlisted, and not transferred, shall be maintained within the realm.

VIII. Provided always, and be it enacted, that it shall not be lawful for the said United Company to enlist or have in pay at any one time, or to train or discipline at any one time, by virtue of this Act, any greater number of non-commissioned officers and private men than two thousand, nor shall it be lawful for the Court of Directors of the said Company to appoint any greater number of commissioned officers than the number of men to be so raised and disciplined shall require; nor shall the officer so appointed to command, or any other commissioned officer to be appointed as aforesaid, be continued in the said appointment, or have any power or authority to command, train, or discipline the said men so enlisted, longer than he shall continue to hold a commission from his Majesty, his heirs or successors; and his or their said appointment, powers, authorities, and commands, shall cease and determine, and become utterly void, from and immediately after the said commission shall be revoked, determined, or otherwise made void by his Majesty, his heirs or successors: provided also, that from and after the passing of this Act, and until the twenty-fifth day of March one thousand eight hundred, no greater number than three thousand of men enlisted for the special purpose aforesaid, and not transferred by his Majesty to the service of the said Company, shall, at at any one time, be maintained by his Majesty within this realm; and that, from and after the said day, no greater number of such men shall be so maintained than shall be specially included within the provision of such Act or Acts of Parliament as may, from time to time, be made and be in force for the punishment of mutiny and desertion, or for the discipline and government of his Majesty's forces in Great Britain.

Company, with the approbation of his Majesty, may appoint quarter-masters, &c.

IX. Provided also, and be it further enacted, that it shall and may be lawful for the said Company, with his Majesty's approbation so signified as aforesaid, to appoint such quarter-masters, pay-masters, and other persons, as may be necessary for disciplining and training, attending, and otherwise taking care of, the said men so enlisted and transferred, over and above the number of commissioned officers herein-before mentioned, whether the said persons shall be in their service or not.

X. Provided also, and be it further enacted, that it shall not be lawful for the said United Company to pay or allow any greater pay, or other sums, to the commissioned and non-commissioned and staff officers to be appointed to raise, receive, train, exercise, and discipline, the said men, than after the rates following: that is to say, not more than ten shillings per day to each captain, not more than five shillings per day to each subaltern officer, over and above the pay, according to their rank, which they shall be entitled to during their being in this country on furlough or leave of absence, or retired from their service; nor more than five shillings per day to each quarter-master, one hundred and twenty pounds per annum to each paymaster, two shillings per day to each serjeant, one shilling and sixpence per day to each corporal, five shillings per day to each surgeon, and one hundred pounds per annum to one chaplain; such last-mentioned sums to be the full allowance to which in any case such officers shall be entitled (save and except the regimental pay which such officers may be entitled to, according to their respective ranks, and save and except such barrack allowances as are usually to be given to officers in his Majesty's service when quartered in barracks).

Rates of pay to be allowed to the commissioned, non-commissioned, and staff officers.

XI. And be it further enacted, that the said pay, so to be made to the said officers respectively as aforesaid, shall be in full satisfaction of all emoluments whatsoever; and that the clothing for the said men, and all other things whatsoever, necessary to be provided for them, or for the place in which they shall be deposited and kept, shall be provided by the said United Company, upon the best terms, and in such manner as shall appear to the Court of Directors of the said Company to be best suited to that purpose.

Pay to be in full of all emoluments; and clothing, &c. to be provided as the Directors shall think best.

XII. And be it further enacted, that in case the said men, so to be enlisted into, or transferred over to, the service of the said United Company, shall be deposited and kept at any of his Majesty's garrisons or barracks, all such recruits and soldiers, and the commissioned and non-commissioned officers having the command of, or being employed in the training, exercising, and arraying such recruits or soldiers, shall at all times be subject to the command and orders of the commandant of such garrison or barracks, or in his absence to the senior officer in his Majesty's service, or the officer for the time being commanding in such garrison or barracks; and that the commissioned and non-commissioned officers, to be appointed by the said United Company to the command of, or for the training, exercising, or arraying such recruits as aforesaid, shall at all times partake in and perform the duties of any of his Majesty's garrisons or barracks in which they may be stationed.

Officers and men to be subject to the commandants of garrisons or barracks, and to partake in the duties.

XIII. And be it further enacted, that all orders which shall be given by the said United Company, or their Court of Directors, to their officers so stationed at any of his Majesty's garrisons or barracks, shall be given and passed through the commandant or senior officer commanding at such garrisons or barracks.

Orders of the Company to be given through such commandants.

XIV. And be it further enacted, that if any person who shall be enlisted and engaged by the said United Company, under the authority of the said Act of the twenty-first year of his Majesty's reign, or who shall be transferred over to the service of the said United Company as herein-mentioned, shall afterwards desert, or be found wandering, or otherwise illegally absenting himself from the service of the said United Company, it shall and may be lawful for any constable, headborough, or tythingman, of the town or place where any such person who may be reasonably suspected to be a deserter, shall be found, to apprehend or cause him to be apprehended in the same manner as if he were a deserter from his Majesty's ser-

Deserters may be apprehended and confined as from his Majesty's service.

vice; and every constable, headborough, tythingman, justice of the peace, or magistrate, shall have the same power and authority, and proceed in the same manner as he or they would have had, or as he or they would have proceeded in, if the person had been a deserter from his Majesty's service; and every keeper of any goal, house of correction, or prison, to which such person shall be committed, shall be entitled to receive the full subsistence of such deserter, during the time he shall remain in their custody, for the maintenance of such deserter, and shall receive and confine him or them in the same manner as if he or they had been a deserter from his Majesty's service.

Persons apprehending deserters to be entitled to such reward only as the Company may give.

XV. Provided always, that nothing in this Act contained shall extend, or be construed to extend to authorize any justice to pay or cause to be paid any reward to any person or persons, who shall apprehend or cause to be apprehended any person or persons who shall desert from the service of the East-India Company, nor shall the person or persons apprehending the same be entitled to any other reward than the East-India Company may voluntarily give for such apprehension.

Officers and soldiers until embarkation, to be subject to the Mutiny Laws.

XVI. And be it further enacted, that all such officers and soldiers as shall be raised and enlisted by virtue of this Act shall, at all times and until their embarkation, be subject to all the provisions and regulations of the said Act, made in the present session of Parliament, intituled, "An Act for punishing mutiny and desertion, and for the better payment of the army and their quarters during the continuance of the same Act in Great Britain, and after the expiration thereof to such other Act or Acts of Parliament, provisions, and regulations, as shall from time to time be made and be in force for the discipline and government of his Majesty's forces in Great Britain. * * * * * * * *

This section goes on to provide that recruits after embarkation shall be subject to 27 Geo. 2, cap. 9, but that Act was repealed by 4 Geo. 4, cap. 81, which Act was also repealed by 3 and 4 Vict. cap. 37, by which last Act the law on the subject was amended and consolidated.

His Majesty may grant commissions for holding general courts martial.

XVIII. And whereas for more effectually suppressing mutiny and desertion, and for the punishment of other offences committed by officers and soldiers in the service of the said United Company, during the time of their being trained and disciplined by virtue of this Act, or by any of the officers or non-commissioned officers employed on that service, it may be necessary that his Majesty should be enabled to convene courts martial, or to authorize the same to be convened, consisting either in the whole or in part of officers in the service of the East-India Company who hold commissions from his Majesty: be it enacted, that it shall and may be lawful for his Majesty from time to time to grant a commission for the holding of general courts martial for the trial of offences committed by officers or soldiers in the service of the said United Company, during the time of their being so employed, and trained and exercised under the authority of this Act, which courts martial may either consist of officers appointed to train and discipline the said men, or of such other officers in the service of the East-India Company, holding commissions from his Majesty, as may be in Great Britain upon furlough, or by leave of absence, or of officers in his Majesty's service in Great Britain, or of such numbers and proportions of each, as to his Majesty shall seem meet; and such courts martial shall in all other respects be convened, and have the same

powers and authorities, and their sentences shall be carried into execution, as if they were courts martial respecting his Majesty's forces. (1)

(1) [*Vide* 50 Geo. 3, cap. 87, sec. 7.]

XIX. And be it further enacted, that regimental courts martial, or courts martial to be composed of officers of different corps, with the same powers as regimental courts martial, may be convened for inquiring into such disputes or criminal matters as may come before them, touching any of the non-commissioned officers or soldiers in the service of the said United Company during the time of their being so employed and trained and exercised as aforesaid, and for awarding corporal or other punishments for small offences; and such courts martial shall be constituted and proceeded, and their sentences shall be carried into execution, in like manner as if they were courts martial respecting his Majesty's forces. (1)

Regimental courts martial may be convened.

(1) [*Vide* note on section 18.]

Section 20 provides for the punishment of offences committed after embarkation, under 27 Geo. 2, cap. 9, which Act has been repealed, (see note on sec. 16). For the existing law on the subject, see 3 & 4 Vict. cap. 6, sec. 32, and 3 & 4 Vict. cap. 37, sec. 39.

XXI. And be it further enacted, that the Court of Directors of the said United Company shall, and they are hereby required and directed, twice in every year, to make out a report of the number of men levied and subsisted by virtue of this Act, and of all the orders issued, and every other matter or thing done or directed to be done by them in the execution of this Act, and to transmit one copy of the same to one of his Majesty's principal Secretaries of State, and another to the Commander-in-chief of his Majesty's forces.

Court of Directors to transmit a report of the number of men levied, &c. to the Secretary of State, and the Commander-in-chief.

XXII. And be it further enacted, that this Act shall be deemed to be a public Act, and shall be taken notice of as such, by all judges and justices whomsoever, without specially pleading the same.

Public Act.

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39 & 40 GEORGII III. Cap. XXXVI.

An Act *to enable Courts of Equity to compel a Transfer of Stock in Suits, without making the Governor and Company of the Bank of England, or the United Company of Merchants of England trading to the East-Indies, or the Governor and Company of Merchants of Great Britain trading to the South Seas or other Parts of America, party thereto.* [*1st May*, 1800.]

Whereas great expense arises in suits in Courts of Equity, from the practice of making the Governor and Company of the Bank of England parties thereto, for the mere purpose of compelling or authorizing the said Corporation to suffer any transfer of stock standing in their books to be made which justice may require: be it enacted by the King's most excellent

Preamble.

Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for any of his Majesty's Courts of Equity, before or upon hearing any cause depending therein, to order the Governor and Company of the Bank of England to suffer a transfer of stock standing in their books to be made, or to pay any accrued or accruing dividends thereon, belonging to, or standing in the names of, any party to a suit, as such Courts may deem just; or to issue an injunction to restrain them from suffering any transfer of such stock, or from paying any dividends or interest accruing or accrued thereon, although such Governor and Company are not parties to the suit in which such decree or order shall be made, such Courts being satisfied by the certificate of the accountant of the said Corporation, duly signed by him as herein-after is directed, that the stock required to be transferred is standing in their books in the name of the persons or person required to transfer the same, or of the persons or person to whom they or he are or is the legal representative; and that after due service of a short order upon the said Governor and Company, or their proper officer, which shall contain no recital of their pleadings or other matter than the title of the cause, and the ordering part of such decree or order which respects the said Governor and Company, and for which the sum of eighteen shillings, and no more, shall be paid, like process shall issue to enforce such order or decree as to enforce them against any party to a suit depending in such Court.

Any Court of Equity may order the Bank of England to suffer a transfer of stock to be made, or to pay dividends belonging to, or standing in the names of, any party to a suit, or issue an injunction to restrain such transfer or payment, although the Bank be not a party, &c.

II. And f r the better enabling any party to a suit to obtain and produce such certificate in Court, be it enacted, that upon request in writing, signed by the clerk in Court (or other officer answering thereto) and the solicitor concerned in the cause for the party applying, which shall state the cause, and for what parties they are concerned, the Governor and Company of the Bank of England shall deliver, or cause to be delivered, to the said clerk in Court, or other officer and solicitor, or one of them, a certificate signed by their accountant, stating the amount of such stock or dividends, and in whose names or name such stock is standing in their books, and, if it be particularly required (but not otherwise) when such stock or any part thereof was transferred, and by whom, for the signing of which request in writing there shall be paid to such clerk in Court or other officer, a fee of six shillings and eightpence, and no more, and to such solicitor, for the drawing, copying, and delivering at the Bank, a fee of thirteen shillings and fourpence, and no more, and to the officer making out and delivering such certificate, a fee of two shillings and sixpence, and no more: provided nevertheless, that nothing herein contained shall extend to any case where any further discovery is wanted than what is herein-before expressly mentioned, nor to any case where the said Governor and Company claim any interest in or lien upon the said fund, but that in such cases it shall be necessary to make them a party to such suit as if this Act had never been made; and that if any special matter shall arise, which in the opinion of the said Governor and Company shall affect their interests, or which might be objected against suffering such transfer of stock or payment of dividends, it shall be lawful for them to state such matter to the Court by motion or petition in such suit, and that execution of process to compel such transfer or payment shall be suspended until final order shall be made thereon.

On request of the clerk of the Court and the solicitor of the party, the Bank shall deliver a certificate stating the amount of such stock or dividends, &c. for which the fees herein specified shall be paid.

Act not to extend to any further discovery than herein mentioned, nor to any case where the Bank claim an interest in the fund, &c.

III. And be it further enacted, that in all suits now depending, in which the said Governor and Company may have put in their answer, not claiming any interest in or lien upon the stock required to be transferred, no further proceeding shall be had against them as a party to such suits, but that the bill shall stand dismissed as against them in such suits; and that in all such suits an order may be made, upon motion or petition as of course, for the taxing of their costs already incurred, and for immediate payment thereof by the plaintiffs in any such

In suits depending where the Bank have put in their answer, not claiming any interest in the stock required to be transferred, proceedings shall be stopped and the bill dismissed, &c.

suits, or any of them, subject however to any further order as between the other parties to such suits, respecting the final payment of such costs, as by the Court in which any suit may be depending shall be deemed just.

IV. And be it further enacted, that all the several regulations and provisions herein-before enacted, shall extend *mutatis mutandis* to every case where the United Company of Merchants of England trading to the East-Indies, or the Governor and Company of Merchants of Great Britain trading to the South Seas or other parts of America, have any stock standing in the books of such respective Corporations, which may now be or hereafter may become the subject of any suit in equity or incidental thereto, saving to the said Corporations respectively the like right of being made a party, or applying by motion or petition, in such suits as is before reserved or given to the Governor and Company of the Bank of England.

The provisions aforesaid shall extend to the East-India Company and the South Sea Company, where they have stock standing in their books which may become the subject of a suit in equity.

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39 & 40 GEORGII III. Cap. LXXIX.

An Act *for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same.*

[28*th July*, 1800.]

Preamble.

Whereas the territorial possessions of the United Company of Merchants of England trading to the East-Indies, in the peninsula of India, have become so much extended as to require further regulations to be made for the due government of the same: and whereas by an Act of Parliament, made and passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay;" it is enacted, that the whole civil and military Government of the presidency of Fort Saint George, on the coast of Coromandel, and the ordering, management, and government of all the territorial acquisitions and revenues on the said coast, and also so much and such parts of the territories and possessions on the coast of Orissa, with the revenues of the same, as had been and then were under the administration of the government or presidency of Fort Saint George, should be and were thereby vested in a Governor and three Counsellors of and for the said presidency of Fort Saint George, subject to such rules, regulations, and restrictions, as were therein mentioned: and that the whole civil and military government of the presidency and island of Bombay, on the coast of Malabar, and the ordering, management, and government of all the territorial acquisitions and revenues on the said coast of Malabar, should be and were thereby vested in a Governor and three Counsellors of and for the said presidency and island of Bombay, subject to the provision therein mentioned: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the

33 G. 3, c. 52.

The Court of Directors may appoint what parts of the territorial acquisitions, revenues, &c. shall be subject to either, and which of their presidencies, subject to the control of the Commissioners for the affairs of India.

passing of this Act, it shall and may be lawful for the Court of Directors of the said Company for the time being, to declare and appoint what part or parts of the said territorial acquisitions, or of any other now subject to the government of the said presidency of Fort Saint George, or the said presidency of Bombay, together with the revenues arising therefrom, and the establishment of civil servants connected therewith respectively, shall from thenceforth hereafter be subject to the government of either and which of the said presidencies, or of the presidency of Fort William in Bengal, and from time to time, as occasion may require, to revoke and alter in the whole or in part such appointment, and to make such new distribution of the same as to them shall seem fit and expedient, subject nevertheless, in all cases, to the superintendence, direction, and control of the Commissioners for the affairs of India, in like manner as any acts or orders of the said Court of Directors are now by law subject; and all such territorial acquisitions, and the revenues arising therefrom, and the establishment of civil servants connected therewith, shall, from and after the time, and subject as to such time to the conditions and limitations to be by the said Court of Directors limited and appointed for such purposes respectively, be to all intents and purposes whatsoever annexed to and made subject to such presidency, and to the Court or Courts of Judicature established, or to be established, therein respectively.

Letters Patent of G. 2. dated the 8th of January, in the 21st of his reign.

II. And whereas his late Majesty King George the Second did, by his Letters Patent, bearing date at Westminster the eighth day of January in the twenty-first year of his reign, grant unto the said United Company of Merchants of England trading to the East-Indies, his royal Charter, thereby amongst other things constituting and establishing Courts of Civil, Criminal, and Ecclesiastical Jurisdiction at the United Company's respective settlements at Madraspatnam, Bombay, or the island of Bombay, and Fort William in Bengal: and whereas the said Charter, in so far as it respects the administration of justice at Madras, has been altered and changed, by virtue of an Act passed in the thirty-seventh year of his present

37 G. 3. c. 142, recited.

Majesty, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay; and for preventing British Subjects from being concerned in Loans to the Native Princes in India:" and whereas the said Charter, so far as it respects the administration of justice at Fort William in Bengal, has also been altered and changed, by virtue of an Act

13 G. 3, c. 63.

passed in the thirteenth year of his present Majesty, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," and by divers subsequent statutes: and whereas it may be expedient for the better administration of justice in the said settlement of Madras, that a Supreme Court of Judicature should be established at Madras, in the same form, and with the same powers and authorities, as that now subsisting, by virtue of the several Acts before-mentioned,

His Majesty may establish a Supreme Court of Judicature at Madras, to consist of the like number of persons, &c. as the Supreme Court at Fort William.

at Fort William in Bengal: be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by Charter or Letters Patent under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Madras aforesaid, to consist of such and the like number of persons, (1) to be named from time to time by his Majesty, his heirs and successors, with full power to exercise such civil, criminal, Admiralty, and ecclesiastical jurisdictions, both as to natives and British subjects, and to be invested with such power and authorities, privileges and immunities, for the better administration of the same, and subject to the same limitations, restrictions, and control within the said Fort Saint George, and town of Madras, and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependant upon the said Government of Madras, as the said Supreme Court of Judicature at Fort William in Bengal, by virtue of any law now in force and unrepealed, or by this present Act, doth consist of, is

invested with, or subject to, within the said Fort William, or the kingdoms or provinces of Bengal, Bahar, and Orissa.

(1) [A Chief Justice and two Puisne Judges. *Vide* 37 Geo. 3, cap. 142, sec. 1.]

How far the Governor and Council at Madras, and the Governor-general of Fort William shall be exempted from the authority of the Court to be erected.

III. Provided always, that the Governor and Council at Madras, and the Governor-general of Fort William aforesaid, shall enjoy the same exemption, and no other, from the authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said Governor-general and Council at Fort William aforesaid, from the jurisdiction of the Supreme Court of Judicature there already by law established.

If his Majesty shall erect a Supreme Court at Madras, the records directed by recited Act of 37 G. 3, to be delivered over to the new Courts, and those belonging thereto shall be delivered over to the Supreme Court.

IV. And be it further enacted, that if his Majesty, his heirs or successors, shall grant such Charter as aforesaid, and erect such Supreme Court of Judicature at Madras as aforesaid, all the records, muniments, and proceedings whatsoever, of and belonging to the late Mayor's Court at Madras, or to the late Court of Oyer and Terminer and Gaol Delivery, which were, by the said Act passed in the thirty-seventh year of his present Majesty, directed to be delivered over, preserved, and deposited to the new Courts, erected by virtue of the said Act; and all the records, muniments, and proceedings whatsoever, of and belonging to any of the said new Courts, shall, from and immediately after such Supreme Court of Judicature as his Majesty is hereby empowered to erect shall be established at Madras, be delivered over to be preserved and deposited for safe custody in the said new Court of Judicature; to which all parties concerned shall and may have resort and recourse upon application to the said Court.

So much of the Charter of his present Majesty for erecting the Courts of Recorder at Madras, as relates to the appointment of a Recorder, &c. if a new Charter be granted, shall be void, and the powers granted by recited Act of 37 G. 3, may be exercised by the Supreme Court.

V. And be it further enacted, that so much of the Charter granted by his present Majesty, for erecting the Courts of the Recorder of Madras and Bombay, as relates to the appointment of such Recorder, and the erecting of such Courts of Judicature at Madras, in case a new Charter shall be granted by his Majesty, his heirs or successors, and shall be openly published at Madras, from and immediately after such publication, shall cease and determine, and be absolutely void to all intents and purposes whatsoever; and all powers and authorities granted by the said Act of the thirty-seventh of his present Majesty to the said Courts of the Recorder at Madras, shall cease and determine, and be no longer exercised by the said Court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the manner and to the extent herein-before directed.

Section 6 prescribes the salaries to be paid to the Chief Justice and Judges, but these are now regulated by 6 Geo. 4, cap. 85, sec. 1.

When salaries shall commence which shall be in lieu of all perquisites.

VII. And be it further enacted, that the said salaries shall commence and take place in respect to such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such persons shall embark from Great Britain, (1) and that the salaries of all such persons, who shall at the time of their appointment be resident in India, shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid; and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever, and that no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken in any manner, or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this Act directed to be paid.

(1) [Salaries now commence in all cases from the period of entering upon office. *Vide* 53 Geo. 3, cap. 155, sec. 89.]

The salaries of the Judges of the Supreme Courts, and of the Recorder of Bombay, to cease on their leaving India.

IX. Provided always, and be it hereby further enacted, that when either of the Judges of the Supreme Court of Judicature at Fort William, or of the Supreme Court of Judicature which his Majesty is hereby empowered to erect at Madras, or the Recorder of Bombay (1), shall respectively leave India, the salary now payable, or which may become payable under and by virtue of this Act, to any such Judge or Recorder respectively, shall cease and be no longer paid; any thing herein or in any former Act or Acts contained to the contrary thereof in anywise notwithstanding.

(1) [There is now no Recorder of Bombay, a Supreme Court, resembling those previously erected at Fort William and Fort St. George, having been established at Bombay, under 4 Geo. 4, cap. 71.]

If the Governor-general of Fort William or the Governor of Fort St. George, or of Bombay, shall signify his intended absence from the Council, the senior member present shall preside; but no act of such Council shall be valid, unless signed by the Governor-general, or Governor respectively, if resident at the Presidency, and not prevented by indisposition; and if not so prevented, and he shall refuse to sign, he, and the members who shall have signed, shall mutually communicate the grounds of their opinions as directed by recited Act of 33 G. 3, where he shall when present dissent from the Council.

The Governor-general, when absent, may nominate a Vice-president and Deputy-governor of Fort William.

XII. And be it further enacted, that if the Governor-general of Fort William in Bengal for the time being, or the Governor of the said Presidency of Fort Saint George, and of the said Presidency and island of Bombay respectively for the time being, shall happen to be absent from any Council to be assembled for the said respective Presidencies of Fort William and Fort Saint George, and the said Presidency and island of Bombay, owing to indisposition or any other cause whatsoever, and shall signify such his intended absence to such Council so to be assembled, then and in every such case the senior member for the time being who shall be present at the Council so assembled, shall preside at such Council, in such manner, and with such full powers and authorities, during the time that such Council shall continue to be assembled, as such Governor-general or Governor might or would have had in case such Governor-general or Governor were himself actually present at such Council: provided nevertheless, that no act of any Council so held shall be valid to any effect whatsoever, unless the same shall be signed by such Governor-general or Governor respectively, if such Governor-general or Governor shall at the time be resident at the Presidency at which such Council shall be so assembled, and shall not be prevented by such indisposition from signing the same: provided always, that in case such Governor-general or Governor, not being so prevented as aforesaid, shall decline or refuse to sign such act of Council, he and the several Members of the Council who shall have signed the same, shall mutually exchange with and communicate in writing to each other the grounds and reasons of their respective opinions, in like manner and subject to such regulations and ultimate responsibility of such Governor-general or Governor respectively, as are by the said Act, passed in the thirty-third year of the reign of his present Majesty, (1) provided and directed, in cases where such Governor-general or Governor respectively shall, when present, dissent from any measure proposed or agitated in such Council respectively: provided also, that nothing herein contained shall be taken or construed to prevent such Governor-general, in case he shall be absent from his own Government of Bengal, to nominate a Vice-president and Deputy-governor of Fort William, according to the provision for that purpose in the said Act passed in the thirty-third year of his present Majesty. (2)

(1) [33 Geo. 3, cap. 52, secs. 47 to 51. See also 3 & 4 Wm. 4, cap. 85, sec. 49.]

(2) [33 Geo. 3, cap. 52, sec. 53. See also 3 & 4 Wm. 4, cap. 85, sec. 69 and 70.]

The Governor-general and Council of Fort William, and the Governor and Council of Fort St. George, may order in what manner the Courts of Requests shall in future be formed, and to what amount the jurisdiction shall extend, &c.

XVII. And whereas great inconveniences have resulted from the manner in which the Courts of Requests for the recovery of small debts in the respective settlements of Fort William and Fort Saint George are constituted; be it therefore further enacted, that it shall and may be lawful to and for the Governor-general and Council of Fort William, and for the Governor and Council of Fort Saint George (1) aforesaid, for the time being respectively, to order and appoint in what manner the said Courts respectively shall in future be formed, and to what amount in value, not exceeding the sum of four hundred sicca rupees, the jurisdiction of the same shall extend, and to frame and make such new rules and orders, and to establish and declare such new modes and forms of proceeding, as to them shall appear to be necessary and expedient for new-modelling, altering, and reforming the present constitution and practice of the said Courts respectively, and by their proclamation, to be made and published in due form of law, to declare and notify to all persons concerned, such new constitution, rules, orders, modes, and forms of proceeding, and the time from whence they are to have force and effect; and from and after such time as shall be so respectively notified for that purpose, the present Courts of Requests, as well as the rules, orders, modes, and forms of proceeding which are now used and observed therein, shall be abolished and cease, and thenceforth the new Court, rules, orders, modes, and forms of proceeding which the said Governor-general and Council are authorized and empowered, under and by virtue of this Act, to make and publish, shall be in full force and effect; any former Act or Acts to the contrary thereof in anywise notwithstanding.

(1) [The Government of Fort St. George has no longer any legislative power in ordinary circumstances. *Vide* 3 & 4 Wm. 4, cap. 85, sec. 59.]

The Governor-general and Council at Fort William may order corporal punishment for breach of rules, made under authority of the recited Act of 13 G. 3.

XVIII. And whereas the powers given by the Act of the thirteenth year of his present Majesty to the Governor-general and Council of the said United Company's settlement at Fort William aforesaid, to enforce the observance of such rules, ordinances, or regulations, for the good order and civil government of the said settlement, and other factories and places subordinate to or to be subordinate thereto, as they are thereby authorized to make, by setting, imposing, and levying reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations, have not been found sufficient for the preservation of good order in the said settlement; be it therefore enacted, that it shall and may be lawful to and for the said Governor-general and Council for the time being, in addition to, or instead of, such fines and forfeitures as above mentioned, to order or appoint such moderate and reasonable corporal punishment, by public or private whipping, or otherwise, as to them shall seem fit and expedient, for the breach or non-observance of any such rules heretofore made, or hereafter to be by them made, by virtue of the authority herein-before recited, subject nevertheless to such registry, (1) publication, approbation, power of appeal, and other regulations, as in and by the said recited Act, passed in the thirteenth year of his present Majesty, are prescribed and provided touching the rules, ordinances, regulations, fines, and forfeitures therein and herein-before mentioned.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 45, no registry or publication in any Court of Justice is necessary.]

No corporal punishment to be ordered, except on conviction before two Justices.

XIX. Provided always, and be it further enacted, that no such corporal punishment shall in any case be ordered to be inflicted, except only in case of due conviction of the offender before two (1) Justices of the Peace acting in and for the said settlement, presidencies, and places thereto subordinate, which offence such two (1) Justices of the Peace are hereby authorized and empowered to hear and determine, and to order such punishment upon conviction as aforesaid: provided also, that no such conviction, judgment, or order, shall be reviewed or brought into any superior Court by writ of *certiorari* or appeal, or any other process whatsoever; any thing in any former Act or Acts to the contrary thereof in anywise notwithstanding.

No conviction to be reviewed.

(1) [*Vide* Acts of Government of India, Nos. 4 of 1835, and 32 of 1838, in Appendix.]

From March 1, 1801, the power of the Supreme Court of Judicature of Fort William shall extend over the province of Benares, and all places subordinate thereto, and all districts hereafter annexed to the Presidency.

XX. And whereas the province or district of Benares has been ceded to the said United Company, and been annexed to the said Presidency of Fort William in Bengal, since the establishment of the said Supreme Court of Judicature at Fort William aforesaid, and it is expedient that the same should be subject to the jurisdiction of the said Court, in like manner as the kingdoms or provinces of Bengal, Bahar, and Orissa; and that the said province or district, and all other provinces or districts, which may hereafter be at any time annexed and made subject to the said Presidency, should be subject to such regulations as the Governor-general and Council of Fort William aforesaid have framed or may frame for the better administration of justice among the native inhabitants and others within the same respectively; be it therefore further enacted, that, from and after the first day of March which will be in the year of our Lord one thousand eight hundred and one, the power and authority of the said Supreme Court of Judicature in and for the said Presidency of Fort William aforesaid, as now and by virtue of this Act established, and all such regulations as have been or may be hereafter, according to the powers and authorities, and subject to the provisions and restrictions before enacted, framed, and provided, shall extend to and over the said province or district of Benares, and to and over all the factories, districts, and places, which now are or hereafter shall be made subordinate thereto, and to and over all such provinces and districts as may at any time hereafter be annexed and made subject to the said Presidency of Fort William aforesaid.

From March 1, 1801, whenever any British subject shall die within either of the Presidencies or subordinate territories, and no next of kin or creditor shall appear, the register of the Ecclesiastical Court shall apply for letters of administration, and shall collect the assets of the deceased, and bring them into Court, and account for them.

XXI. And whereas great inconveniences have arisen from the practice of granting letters of administration by the said Supreme Court of Judicature at Fort William aforesaid, in cases where the next of kin, or any of the creditors of the deceased, do not apply for the same, to persons calling themselves friends of the deceased; be it therefore further enacted, that, from and after the first day of March which will be in the year of our Lord one thousand eight hundred and one, whenever any British subject shall die intestate within either of the Presidencies of Fort William, Fort St. George, or Bombay, or the territories subordinate to either of the said Presidencies, or to become subordinate thereto, and on return of the citation to be issued from the proper Ecclesiastical Court, no next of kin or creditor shall appear and make out their claim to the administration of the effects of the intestate deceased to the satisfaction of the said Court, it shall and may be lawful for the register of such Court respectively, and he is hereby required, to apply for, and such Court is hereby required and directed to grant such letters *ad colligenda* or of administration, as to such Court shall seem meet, by virtue whereof such register shall collect the assets of the deceased, and shall bring them for safe custody into such Court, and account for them regularly, in like manner as is

now by law provided in cases where assets are vested in the hands of any officer of the Court, under or by virtue of the equitable jurisdiction of any such Court. (1)

(1) [The 55 Geo. 3, cap. 84, sec. 2, provides for granting administration to attornies of absent executors, administrators, or persons entitled to administration in preference to the register.]

XXII. Provided always, and be it further enacted, that when any next of kin or creditor, who, at the time of the return of the above citation, shall have been absent in Europe or elsewhere, shall make and establish their claim to the administration of the assets of such intestate, the letters *ad colligenda* or of administration, granted by virtue of this Act to the said register, shall be recalled, and administration in due form granted to such next of kin or creditor respectively. (1)

When any next of kin or creditor, who shall have been absent, shall make out his claim, the letters of administration to the register shall be recalled, and letters granted to the claimant.

(1) [The 55 Geo. 3, cap. 84, sec. 3, directs the revocation of letters of administration granted to the register, on the application of appointed attornies, where no unreasonable delay takes place.

The same Act (sec. 5) provides for the keeping, inspection, and publication of accounts of estates to which the register has administered.]

Section 23 provides for extending to insolvent debtors in India the relief intended by 32 Geo. 2, cap. 28, commonly called the Lords' Act, but by 1 & 2 Vic. cap. 110, sec. 119, no prisoner for debt is to petition any Court for his discharge under the Lords' Act, nor is any creditor to petition any Court for the exercise of the compulsory powers of that Act against debtors. Section 24 ratifies any rules and orders previously made by the Court for the relief of insolvents, and confirms the acts done under them.

XXV. And whereas it may be expedient for his Majesty, his heirs or successors, to issue a Commission from his High Court of Admiralty in England, for the trial and adjudication of prize causes, and other maritime questions arising in India; be it therefore further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, to nominate and appoint all or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, or of the Supreme Court of Judicature to be erected as aforesaid at Madras, or the Court of the Recorder at Bombay, either alone or jointly with any other persons to be named in such Commission, to be Commissioners for the purpose of carrying such Commission so to be issued as aforesaid into execution: any Act or Acts to the contrary thereof in anywise notwithstanding.

His Majesty may appoint Commissioners for carrying into execution a commission for the trial and adjudication of prize causes, &c. in India.

42 GEORGII III. Cap. LXXXV.

An Act *for the Trying and Punishing in Great Britain Persons holding public Employments, for Offences committed Abroad; and for extending the Provisions of an Act, passed in the twenty-first year of the reign of King James, made for the ease of Justices and others in pleading in Suits brought against them, to all Persons, either in or out of this Kingdom, authorized to commit to safe custody.* [22*d June*, 1802.]

Whereas persons holding and exercising public employments out of Great Britain often escape punishment for offences committed by them, for want of Courts having a sufficient jurisdiction, in or by reason of their departing from the country or place where such offences have been committed, and that such persons cannot be tried in Great Britain for such offences as the law now stands, inasmuch as such offences cannot be laid to have been committed within the body of any county: and whereas it is therefore expedient that such and the like provisions as are contained in an Act passed in the eleventh and twelfth years of the reign of his late Majesty King William the Third, intituled, "An Act to punish Governors of Plantations of this Kingdom for Crimes by them committed in the Plantations," and in an Act passed in the thirteenth year of the reign of his present Majesty, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," and in an Act passed in the twenty-fourth year of the reign of his present Majesty, intituled, "An Act for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual trial of Persons accused of Offences committed in the East-Indies," should be extended and applied to the punishment of such offenders: may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, if any person who now is, or heretofore has been, or shall hereafter be employed by or in the service of his Majesty, his heirs or successors, in any civil or military station, office, or capacity out of Great Britain, or shall heretofore have had, held, or exercised, or now has, holds, or exercises, or shall hereafter have, hold, or exercise any public station, office, capacity, or employment, out of Great Britain, shall have committed, or shall commit, or shall have heretofore been, or is, or shall hereafter be guilty of any crime, misdemeanour, or offence, in the execution, or under colour, or in the exercise of any such station, office, capacity, or employment as aforesaid, every such crime, offence, or misdemeanour may be prosecuted or inquired of, and heard and determined in his Majesty's Court of King's Bench here in England, either upon an information exhibited by his Majesty's Attorney-general, or upon an indictment found, in which information or indictment such crime, offence, or misdemeanour may be laid and charged to have been committed in the county of Middlesex, and all such persons so offending, and also all persons tried under any of the provisions of the said recited Act, passed in the reign of King William as aforesaid, or this Act, or either of them, for any offence, crime, or misdemeanour, and not having been before tried for the same out of Great Britain, shall, on conviction, be liable to such punishment as may, by any law or laws now in force, or any

11 & 12 Wm. 3, c. 12.

13 G. 3, c. 63.

24 G. 3, c. 25.

Offences committed by persons employed in any public service abroad may be prosecuted in the Court of King's Bench in England, and may be laid in Middlesex, and the offenders punished as if the offences had been committed in England.

Act or Acts that may hereafter be passed, be inflicted for any such crime, misdemeanor, or offence committed in England, and shall also be liable, at the discretion of his Majesty's Court of King's Bench, to be adjudged to be incapable of serving his Majesty in any station, office, or capacity, civil or military, or of holding or exercising any public employment whatever.

The Court of King's Bench, on motion, may award a writ of *mandamus* to any Court of judicature, or the Governor, &c. of the country where the offence was committed, to obtain proofs of the matters charged in the indictment, which shall be done by *viva voce* evidence, and the same shall be transmitted to the Court of King's Bench, and admitted on the trial, &c.

II. And be it further enacted, that in all cases of indictments found or informations exhibited under and by virtue of this Act, it shall be lawful for his Majesty's said Court of King's Bench, upon motion to be made, and such notice thereof as to the said Court of King's Bench may appear to be sufficient, by or on behalf of his Majesty's Attorney-general or other prosecutor, or of the defendant or defendants, to award at the discretion of the said Court a writ or writs of *mandamus* to any Chief Justice and Judges, or any Chief Justice or other Judge, singly for the time being, of any Court or Courts of Judicature in the country or island, or near to the place where the crime, offence, or misdemeanor shall be charged in such indictment or information to have been committed, or to any Governor or Lieutenant-governor, or other person having any chief authority in such country, island, or place, or to any other person or persons residing there, as the case may require, and as to the said Court of King's Bench may, under all the circumstances of the case, seem most expedient, for the purpose of obtaining and receiving proofs concerning the matters charged in any such indictment or information; and the person or persons to whom such writ or writs shall be directed and sent, are hereby respectively authorized and required to hold a Court, Session, or Meeting, with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in such indictment or information respectively; and in the mean time to cause public notice to be given of the holding the said Court, Session, or Meeting, and to issue such summons or other process as may be requisite for the attendance of witnesses, and to adjourn from time to time as occasion may require; and such examination or examinations shall be then and there openly and publicly taken, *viva voce*, in the said Court, Session, or Meeting, upon questions put by any such prosecutor or prosecutors, defendant or defendants, or any agent or agents, person or persons on behalf of the said Attorney-general or other prosecutor or prosecutors, and defendant or defendants respectively, if any such shall attend for that purpose, and by the Court, person or persons to whom such writ shall be directed and sent as aforesaid, upon the respective oaths of witnesses, and the oaths of skilful interpreters if necessary, administered according to the forms of their several religions, and shall, by some officer or person sworn for that purpose, be reduced into writing on parchment or paper; and in case any duplicate or duplicates shall be required by or on behalf of the prosecutor, or the defendant or defendants respectively, into two or more writings on parchment or paper, as the case may require; and such examination or examinations shall be sent to his Majesty in his Court of King's Bench closed up, and under the seal or seals of the person or persons before whom such examination or examinations as aforesaid shall have been taken; and the person or persons taking such examination or examinations as aforesaid shall deliver the same to any person or persons appointed by the said Court of King's Bench to receive the same, or shall transmit the same in such manner as the said Court of King's Bench shall direct; and all such examinations shall, with all convenient speed, be delivered to one of the clerks in Court of his Majesty's Court of King's Bench, in the Crown Office of the said Court, for the safe custody thereof; and every clerk in the said Court of King's Bench, to whom any examination or examinations shall be delivered, is hereby authorized to administer an oath to the person delivering the same to him, in such form as the said Court of King's Bench shall direct; and such examination or examinations shall be allowed and read upon the trial of any such indictment, or information, or any

other subsequent proceeding thereon or relating thereto, and shall be deemed as good and competent evidence as if the witness or witnesses, whose examination or examinations shall be so read, had been present, and sworn, and examined *viva voce*, at such trial, any law or usage to the contrary notwithstanding, saving all just exceptions to be taken to any such examination or examinations or any part thereof when the same shall be offered to be read as aforesaid; and all persons concerned shall be entitled to take copies of such examinations in the custody of such clerk in Court at their own cost and charges.

Court of King's Bench may order an examination *de bene esse*, in cases where *viva voce* evidence cannot be had.

III. And be it further enacted, that it shall also be lawful for the said Court of King's Bench upon motion to be made, and such notice thereof as aforesaid, by or on behalf of his Majesty's Attorney-general, or other prosecutor, or defendant or defendants in any such indictment or information, to order an examination *de bene esse* of witnesses upon interrogatories, in any case where the *viva voce* testimony of such witnesses cannot conveniently be had, to be taken before an examiner to be appointed by the said Court, and the depositions taken upon such interrogatories shall be afterwards admitted to be read in evidence upon the trial of such indictment or information, or in any other subsequent proceeding thereon or relating thereto, and shall be deemed good and sufficient evidence in the law, saving all just exceptions to be taken to such depositions when the same shall be offered to be read as aforesaid.

Persons to whom such writs of *mandamus* shall be directed, shall do all things necessary for the due execution thereof by compelling the appearance and giving evidence of witnesses, &c.

IV. And be it further enacted, that it shall be lawful for any person or persons to whom any such writ or writs of *mandamus* shall be directed or order sent as aforesaid; and in case the same shall be directed or sent to more than one person, for so many of them as shall for that purpose be appointed by the said writ, or required by the said order, and who shall act in the execution thereof; and such person and persons is and are hereby respectively authorized and required to administer all oaths required to be taken under any of the provisions of this Act, or necessary for the due execution of any such writ or order, or any act, matter, or thing relating thereto, and to examine upon oath all persons whom he or they find occasion to summon, and all other persons whom he or they shall think fit to examine, touching all matters and things necessary for the due execution of any such writ or order as aforesaid: and such person and persons respectively, to whom such writ shall be directed, or order sent as aforesaid, or so many of them as shall in that behalf be appointed, and shall act in the execution thereof as aforesaid, shall have full power and authority to compel the appearance and giving evidence of any witness upon any such writ or order, and to issue special summons, or other process for that purpose, and may proceed upon such summons, or other process, by imprisonment of the body of any person refusing to appear or give evidence, in like manner as any Court or Courts of Record within this kingdom, having competent authority for that purpose, may proceed against any person or persons for any contempt committed against the authority of any such Court.

Persons giving false evidence shall be subject to the pains inflicted for perjury.

V. And be it further enacted, that in case any person or persons in the course of his, her, or their examination upon oath, under and by virtue of the said recited Act of the twenty-fourth year of his present Majesty, or this Act, shall wilfully and corruptly give false evidence, such person or persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be, subject and liable to such pains and penalties, as persons guilty of wilful and corrupt perjury shall be liable to by any law or laws then in force in the kingdom, island, or place where such false evidence shall have been given as aforesaid.

21 Jac. 1, c. 12.

VI. And whereas it is expedient to extend the provisions of an Act, passed in the twenty-first year of the reign of his Majesty King James the First, intituled, "An Act to enlarge

and make perpetual the Act made for ease in pleading against troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other his Majesty's officers, for the lawful Execution of their Office, made in the seventh year of his Majesty's most happy reign," to all persons who may by law commit to safe custody, either in or out of this kingdom; be it therefore enacted, that, from and after the passing of this Act, the said recited Act, and all the provisions therein contained shall extend, and be deemed, taken, and construed to extend to all persons having, holding, or exercising, or being employed in, or who may hereafter have, hold, or exercise, or be employed in any public employment, or any office, station, or capacity, either civil or military, either in or out of this kingdom; and who under and by virtue, or in pursuance of any Act or Acts of Parliament, law or laws, or lawful authority within this kingdom, or any Act or Acts, statute or statutes, ordinance or ordinances, or law or laws, or lawful authority in any plantation, island, colony, or foreign possession of his Majesty, now have or may hereafter have, by virtue of any such public employment, or such office, station, or capacity, power or authority to commit persons to safe custody: and all such persons, having such power or authority as aforesaid, shall have and be entitled to all the privileges, benefits, and advantages given by the provisions of said Act as fully and effectually, to all intents and purposes, as if they had been specially named therein: provided always, that where any action, bill, plaint, or suit upon the case, trespass, battery, or false imprisonment, shall be brought against any such person as in this Act described as aforesaid, in this kingdom for or upon any Act, matter, or thing done out of this kingdom, it shall be lawful for the plaintiff bringing the same to lay such Act, matter, or thing to have been done in Westminster, or in any county where the person against whom any such action, bill, plaint, or suit, shall be brought, shall then reside; anything in this Act to the contrary thereof notwithstanding.

Recited Act shall extend to persons having public employment, and who by law are empowered to commit persons to safe custody.

Where any action shall be brought for any thing done out of this kingdom, it may be laid in Westminster, or in any county where the defendant shall reside.

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43 GEORGII III. Cap. LXIX.

An Act *to repeal the Duties of Excise payable in Great Britain, and to grant other Duties in lieu thereof.* [*4th July*, 1803.]

This Act made some changes in the Auction duty. The immunity of the East-India Company was continued by section 4.

IV. And be it further enacted, that the said several sums of money respectively inserted, described, and set forth in the said schedules hereunto annexed, marked A. and B., as the duties of excise, and the allowances, bounties, and drawbacks of the duties of excise upon the several goods, wares, merchandize, or commodities inserted in the schedule hereunto annexed, marked C., or mentioned in this Act, shall and may be respectively raised, levied, collected, answered, paid, recovered, adjudged, mitigated, and allowed (except where any alteration is expressly made by this Act), in such and the like manner, and in or by any or either of the general or special means, ways, or methods, by which the former duties of excise, and other duties under the management of the said Commissioners of Excise respectively, and the allowances, bounties and drawbacks of duties of excise, and other

Duties and drawbacks under this Act, to be levied, &c. as former duties, &c. unless hereby altered.

duties under the management of the said Commissioners of Excise respectively, were or might be raised, levied, collected, answered, paid, recovered, adjudged, mitigated, and allowed, and the several persons, and the goods, wares, merchandize, or commodities, by this Act respectively made liable to the payment of, or chargeable with, duties of excise, or entitled to allowances, bounties, or drawbacks of duties of excise, as respectively inserted, described, and set forth in the said schedules hereunto annexed, marked A., B., and C., shall be, and the same are hereby made subject and liable to all and every the conditions, regulations, rules, and restrictions, to which such persons, goods, wares, merchandize, or commodities, were generally or specially subject and liable by any Act or Acts of Parliament in force on and immediately before the fifth day of July one thousand eight hundred and three, respecting the duties of excise, or other duties under the management of the said Commissioners of Excise respectively, except where any alteration is expressly made by this Act, or by any other Act or Acts of this session of Parliament; and all and every pain, penalty, fine, or forfeiture, of any nature or kind whatever, as well pains of death as others, for any offence whatever committed against or in breach of any Act or Acts of Parliament in force on and immediately before the fifth day of July one thousand eight hundred and three, for securing the revenue of excise, or other duties under the management of the said Commissioners of Excise respectively, or for the regulation or improvement thereof; and the several clauses, powers, and directions therein contained (unless where expressly altered by this Act), shall, and are hereby directed and declared to extend to, and shall be respectively, applied, practised, and put in execution, for and in respect of the several duties of excise hereby charged and allowed, in as full and ample manner, to all intents and purposes whatsoever, as if all and every the said Acts, clauses, provisions, powers, directions, fines, pains, penalties, or forfeitures, were particularly repeated and re-enacted in the body of this Act.

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44 GEORGII III. Cap. III.

An Act *to regulate the Bonds issued by the East-India Company, with respect to the Rate of Interest, and the Duty payable thereon.* [*15th December*, 1803.]

The first two sections of this Act related to the payment of the property tax, and are, consequently, now inoperative.

East-India Company allowed to pay the same interest as is allowed on Exchequer bills.

III. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said United Company, with the approbation and consent of the Board of Commissioners for the affairs of India for the time being, from time to time, to pay and allow interest on the money heretofore raised on the bonds of the said Company, and which are now outstanding, and also on money to be raised on any bonds which the said United Company may lawfully issue, at and after such rate not exceeding such rate of interest as may be allowed on any Exchequer bills issued or to be issued at the same time by virtue of any Act or Acts of Parliament, as the said United Company, with such consent as aforesaid, shall in their discretion see fit; and all bonds and instruments for securing the money raised thereon, shall be valid and effectual; and no person or persons taking, accepting, or

receiving such interest, shall be therefore liable to any penalty or forfeiture whatsoever; any law, statute, or usage to the contrary thereof in anywise notwithstanding.

IV. Provided always, that nothing herein contained shall be construed to extend to restrain the said United Company from allowing at any time legal interest on such bonds. Not restrained from allowing legal interest

Since the passing of this Act some changes have been made in the Usury Laws; but those made previously to the 2 & 3 Vic. cap. 37, affected bills and promissory notes only. By that Act, however, not only bills and promissory notes not having more than twelve months to run, but all contracts for the loan or forbearance of money, above the sum of ten pounds (except on landed security), were relieved from the restrictions of the Usury Laws until the 1st January, 1842. By 3 & 4 Vic. cap. 83, the operation of the former Act is extended for one year, namely, until the 1st of January, 1843.

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45 GEORGII III. Cap. XXX.

An Act *for granting his Majesty several additional Duties of Excise in Great Britain.* [*5th April,* 1805.]

This Act, which relates, among other subjects, to auctions, continues previous exemptions, including that of the East-India Company, by the following section:

VI. And be it further enacted, that the said several sums of money respectively inserted, described, and set forth, in the said schedule hereunto annexed marked (A), as the duties of Excise, and the drawbacks of the duties of Excise set forth in the said schedule marked (B) upon the several and respective goods, wares, merchandize, or commodities inserted therein, shall and may be respectively raised, levied, collected, answered, paid, recovered, adjudged, mitigated, and allowed, in such and the like manner, and in or by any or either of the general means, ways, or methods by which the former duties of Excise respectively, and drawbacks of duties of Excise respectively, upon goods, wares, merchandize, or commodities of the same sorts or kinds respectively, were or might be raised, levied, collected, answered, paid, recovered, adjudged, mitigated, and allowed; and the goods, wares, merchandize, or commodities, so by this Act respectively made liable to the payment of, or chargeable with duties of Excise, or entitled to drawbacks of duties of Excise, as respectively inserted, described, and set forth in the said schedules hereunto annexed, shall be, and the same are hereby made subject to all and every the conditions, regulations, rules, restrictions and forfeitures to which goods, wares, merchandize, or commodities in general; and also all and every the special conditions, rules, regulations, restrictions, and forfeitures respectively, to which the like goods, wares, merchandize, or commodities respectively were subject and liable, by any Act or Acts of Parliament in force Duties to be levied as the former duties of Excise.

immediately before the passing of this Act, respecting the duties of Excise, and all and every pain, penalty, fine, or forfeiture, of any nature or kind whatever, for any offence whatever, committed against or in breach of any Act or Acts of Parliament in force immediately before the passing of this Act, made for securing the revenue of Excise, or for the regulation and improvement thereof, and the several clauses, powers, and directions therein contained, shall and are hereby directed and declared to extend to, and shall be respectively applied, practised, and put in execution, for and in respect of the several duties of Excise, and drawbacks of duties of Excise, hereby charged and allowed, in as full and ample a manner, to all intents and purposes whatever, as if all and every the said Acts, clauses, provisions, powers, directions, fines, pains, penalties, or forfeitures, were particularly repeated and re-enacted in the body of this Act.

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45 GEORGII III. Cap. XXXVI.

An Act *to enable the East-India Company to appoint the Commander-in-chief on the Bengal Establishment to be a Member of the Council of Fort William in Bengal, notwithstanding the Office of Governor-general of Fort William, and the Office of Commander-in-chief of all the Forces in India, being vested in the same Person.* [10*th April,* 1805.]

Whereas it is expedient that the Court of Directors of the United Company of Merchants of England trading to the East-Indies should be authorized and empowered, if they shall think fit, to appoint the commander of the military forces of the said United Company on the Bengal establishment to be a member of the Supreme Council of Fort William in Bengal, notwithstanding the office of Governor-general of Fort William aforesaid, and the office of Commander-in-chief of all the forces in India, shall be vested in the same person; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the Court of Directors of the said United Company specially to authorize and appoint the commander of the military forces of the said United Company on the Bengal establishment to be a member of the said Supreme Council of Fort William aforesaid, notwithstanding the office of Governor-general of Fort William aforesaid, and the office of Commander-in-chief of all the forces in India, shall be vested in the same person.

The Court of Directors may appoint the commander of the forces of the Company on the Bengal establishment to be a member of the Council of Fort William, notwithstanding the office of Governor-general and Commander-in-chief be vested in the same person:

II. And be it enacted, that when any such commander of the military forces of the said United Company on the Bengal establishment shall be appointed a member of the said Supreme Council, such commander shall have rank and precedence at the Council Board next to the Governor-general, but he shall not succeed to the government of such presidency on the happening of a vacancy in the office of Governor-general, unless such commander of the military forces of the said United Company on the Bengal establishment shall have been provisionally appointed to supply the same; but such vacancy shall be supplied by the counsellor next in rank at the Council Board to such commander of the military forces of the said

and such commander shall have rank at the Board next to the Governor-general, but shall not succeed to the government in case of vacancy, unless provisionally appointed to supply the same.
33 G. 3, c. 52.

United Company on the Bengal establishment, any thing contained in an Act, passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East-India Company for a further term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay;" or any other law, usage, or custom, to the contrary thereof in anywise notwithstanding.

The two sections above are in substance re-enacted, as affects the Supreme Council of India, by 3 & 4 Wm. 4, cap. 85, secs. 40 and 62.

III. Provided always, and be it enacted, that any commander so to be appointed a member of the said Supreme Council as herein-before is mentioned shall be subject to recall by the same persons and in the same manner, and shall have the same powers, franchises, and authorities, in all respects as a Member of Council, as if he had been appointed thereto as Commander-in-chief of all the forces in India. Such commander so appointed a member of the Council shall be subject to recall.

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47 GEORGII III. Sess. 2. Cap. XLI.

An Act *to enable the East-India Company to raise Money upon Bond instead of increasing their Capital Stock.* [*8th August*, 1807.]

Whereas by virtue of an Act made in the thirty-third year of his present Majesty's reign, intituled, "An Act for placing the Stock, called East-India Annuities, under the Management of the Governor and Company of the Bank of England, and ingrafting the same on the three pounds per centum Reduced Annuities, in redemption of a Debt of Four Millions Two hundred thousand Pounds, owing by the Public to the East-India Company; and for enabling the said Company to raise a sum of Money by a further increase of their Capital Stock, to be applied in discharge of certain Debts of the said Company;" and by virtue of another Act, made in the thirty-fourth year of his said Majesty's reign, intituled, "An Act to empower the East-India Company to continue a Bond Debt of Two Millions, and to increase the same by a further sum as circumstances may require," the said Company are authorized and empowered to raise money upon bonds under their common seal, and to continue a bond debt to the amount of three millions of pounds sterling, and no more: and whereas by an Act made in the thirty-seventh year of his said Majesty's reign, intituled, "An Act to enable the East-India Company to raise Money by further increasing their Capital Stock; and to extend the Provisions now existing respecting the present Stock of the Company to the said increased Stock;" the said United Company were authorized and empowered to raise money by enlarging their then present capital stock or fund of six millions of pounds, to any sum or sums not exceeding the further sum of two millions capital stock, so that their whole capital stock should not exceed the capital sum of eight

33 G. 3, c. 47.

34 G. 3, c. 41.

37 G. 3, c. 31.

millions; but the said United Company have not yet enlarged their capital stock under and by virtue of the powers contained in the said last-mentioned Act: and whereas it is expedient that the said Company should be permitted to increase their bond debt by a further sum, not exceeding two millions sterling, as circumstances may require, instead of increasing their capital stock: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the said Company by and with the approbation and consent of the Board of Commissioners for the affairs of India for the time being, at any time or times hereafter, to borrow, upon bonds to be issued under their common seal, any further sum or sums of money, not exceeding in the whole the sum of two millions sterling, over and above such sum and sums as the said Company can now lawfully raise on their bonds, and to apply the money so to be borrowed and raised for such purposes as, under and by virtue of the said Act of the thirty-seventh year of his said Majesty's reign, the money to be raised by enlarging the capital stock of the said Company is applicable; anything contained in the said recited Act, or in any other Act notwithstanding.

Company may borrow any further sum not exceeding £2,000,000.

III. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

Act to be deemed a public Act.

The amount of the bond-debt has been fluctuating. A statement of the particulars of its origin, progress, and variations, will be found in the note on 34 Geo. 3, cap. 41.

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47 GEORGII III. Sess. 2. Cap. LXVIII.

An Act *for the better Government of the Settlements of Fort Saint George and Bombay; for the Regulation of Public Banks; and for amending so much of an Act, passed in the thirty-third year of his present Majesty, as relates to the Periods at which the Civil Servants of the East-India Company may be employed in their service Abroad.* [13*th August*, 1807.]

IV. And be it further enacted, that the Governor and Members of the Council for the time being of Fort Saint George, and the Governor and Members of the Council for the time being of Bombay respectively, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as Justices of the Peace for the said towns of Madras and Bombay respectively, and for the several settlements and factories subordinate thereto respectively, and to do and transact all matters and things which to the office of a Justice or Justices of the Peace do belong and appertain; and for that purpose the said Governor and Council of Fort Saint George, and the said Governor and Council of Bombay, are hereby respectively authorized and empowered to hold Quarter Sessions within the said

Governors and Members of the Council at Madras and Bombay may act as Justices of the Peace for the said towns:

settlements of Fort Saint George and Bombay aforesaid respectively, four times in every year, and the same shall respectively be, at all times, Courts of Record.

V. And be it further enacted, that it shall and may be lawful to and for the Governor in Council of Fort Saint George, and the Governor in Council of Bombay respectively, for the time being, by commissions to be from time to time issued under the seals of the Supreme Court of Judicature of Fort Saint George, and the Court of the Recorder of Bombay respectively, in the name of the King's Majesty, his heirs and successors, such commissions as shall be issued under the seal of the Supreme Court of Judicature of Fort Saint George, to be tested in the name of the Chief Justice of the said Court, and such commissions as shall be issued under the seal of the Court of the Recorder of Bombay, to be tested in the name of the Recorder of the said Court (which said commissions the said Supreme Court of Judicature at Fort Saint George and the said Court of the Recorder at Bombay, are hereby respectively authorized and required from time to time, by any order or warrant from the said Governor in Council of Fort Saint George and Bombay respectively, to issue accordingly) to nominate and appoint such and so many of the covenanted servants of the said Company, or other British inhabitants, as the said Governor in Council of Fort Saint George, and the said Governor in Council of Bombay respectively, shall think properly qualified to act as Justices of the Peace within and for the said provinces and presidencies, and places thereto subordinate respectively; and such persons shall, according to the tenor of the respective commissions wherein they shall be so nominated and appointed, and by virtue thereof, and of this Act, have full power and authority to act as Justices of the Peace, according to the tenor of the said commissions wherein they shall be respectively named, in and for the provinces and presidencies aforesaid, and places subordinate thereto respectively; and the said Supreme Court of Judicature at Fort Saint George, and the Court of the Recorder of Bombay respectively, upon any requisition in writing from the said Governor in Council of Fort Saint George and Governor in Council of Bombay respectively, shall and may from time to time supersede such commissions, and upon like requisitions issue new commissions for the purposes aforesaid, unto the same or such other of the covenanted servants of the said Company, or other British inhabitants, as shall from time to time be so nominated by the said Governor in Council of Fort Saint George, and Governor in Council of Bombay respectively, in that behalf, all which commissions shall be filed of record in the respective Courts of Oyer and Terminer of the province, presidency, or place, wherein for which the same shall be issued as aforesaid; and all such Justices of the Peace and their proceedings shall be subject and liable to such rules, regulations, and restrictions, as under or by virtue of any Act or Acts of Parliament now in force, the Justices of the Peace to be appointed by the Governor-general in Council of Fort William aforesaid and their proceedings are or may be subject or liable to.

and issue commissions for appointing Justices in the places subordinate thereto.

VI. And be it further enacted, that from and after the first day of March, one thousand eight hundred and eight, so much of the Act passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East-India Company for a further term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company, and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay," as authorizes the Governor-general in Council of Fort William in Bengal to nominate and

Repeal of provision in 33 G. 3. c. 52. for enabling the Governor-general in Council at Fort William to appoint Justices for the Presidencies of Madras and Bombay

appoint any person or persons to be or act as Justices of the Peace within and for any of the provinces, presidencies, or places, subordinate to the said Governor in Council of Fort Saint George, and Governor in Council of Bombay respectively, or to supersede any commissions of the peace, shall be and is hereby repealed: provided always, that such repeal shall in nowise prejudice or affect the authority of any person or persons theretofore appointed by the said Governor-general in Council of Fort William, to be and act as Justices of the Peace within and for any of the provinces, presidencies, or places subordinate to the said Governor in Council of Fort Saint George, and Governor in Council of Bombay respectively, until the commissions to such persons shall be superseded by the Governor in Council of Fort Saint George, or the Governor in Council of Bombay respectively.

The seventh section relates to the periods of residence in India necessary to qualify for a given amount of salary; but as these have been altered by subsequent regulations, the latter part of the section only is here retained.

VII. * * * * * * * *

And whereas the said Company have lately established a College in England for the appropriate education of young men designed for their civil service in India, and it will therefore be expedient that, under certain circumstances, the time spent by such young men in the said College, after they shall have attained the age of seventeen years, should entitle them to the same privileges as they would have been entitled to if they had been resident during such time in India; be it therefore enacted, that from and immediately after the passing of this Act all such time not exceeding two years, as shall be *bonâ fide* spent in the said College in the regular course of such education as aforesaid by any persons after they shall respectively have attained the age of seventeen years, provided they shall *bonâ fide* spend, either before or after seventeen years of age, two years (1) at the least in the said College, in the regular course of such education, and shall afterwards go to India in the civil service of the said Company, shall be accounted, as to the offices, places, and employments, which such persons are entitled to be appointed to and to hold, as so much time actually spent in India; the said Act, or any other law or usage to the contrary thereof in anywise notwithstanding.

Time not exceeding two years, spent in the College established in England, shall be deemed time spent in India.

(1) [By 10 Geo. 4, cap. 16, sec. 2, the time spent at College after seventeen, not exceeding two years, is to be accounted as spent in India without reference to the completion of two years collegiate residence.]

The Governments in India may establish public banks there.

VIII. And whereas it may be expedient that public banks for the deposit and loan of money, and the negotiation of secur ies, and other purposes, should be established in the East-Indies, and that the individuals who may become members thereof should be incorporated under and by the authority of the respective governments in the East-Indies; but doubts have been entertained, whether the powers of those governments are competent to the establishment of such banks within the local limits of the jurisdictions of the several Courts of Justice in India, which have been established by his Majesty's Charters; and it is expedient that such doubts should be removed; be it therefore enacted, and it is hereby enacted and declared, that it shall and may be lawful to and for the several Governments in the East-

Indies to establish such public banks with perpetual succession, and such rights, privileges, franchises and immunities, as are incidental or are usually granted to corporations legally erected in that part of the United Kingdom of Great Britain and Ireland called England, and under and subject to such terms and conditions as they shall see fit; and that the several persons who shall be so incorporated, and their heirs, executors, administrators, and assigns, shall have, hold, enjoy, and be entitled to all such rights, privileges, franchises, and immunities, as well within as beyond the local limits of the Jurisdiction of the several Courts of Justice so established as aforesaid, according to the true intent and meaning of the several orders or Acts, by virtue of which any such banks or corporations shall be so established: provided always, that the establishment of any such banks or corporations shall not e valid or effectual, until they shall have received the approbation of the Court of Directors of the said Company, subject to the control of the Board of Commissioners for the affairs of India for the time being.

All persons in the service of the Company may subscribe to them.

IX. And be it enacted, that it shall and may be lawful to and for all persons whomsoever, in the service of the said Company, and for all the Judges of the several Courts of Justice in India, to subscribe to and become members of any such bank or corporation as aforesaid, and that it shall be lawful to and for any person or persons in the service of the said Company, to be elected or appointed, or to become directors or managers thereof; anything contained in the said Act of the thirty-third year of his present Majesty's reign, or any other Act of Parliament to the contrary thereof in anywise notwithstanding.

No Judge to be a Director.

X. Provided always, and be it further enacted, that no Judge of any of the said Courts of Justice in India, established by his Majesty's Charter shall be capable of being appointed to, or holding the office of the director or manager of any such bank or corporation.

Public Act.

XI. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such, by all Judges, Justices, and others, without being specially pleaded.

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48 GEORGII III. Cap. CVI.

An Act *to remedy the Inconvenience which has arisen, and may arise, from the Expiration of Acts, before the passing of Acts to continue the same.*

[*25th June*, 1808.]

Whereas Bills for the continuing of Acts in force only for a limited time have sometimes not passed before the expiration of the Act intended to be continued: and great inconvenience may arise therefrom; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that where any Bill may have been or shall be introduced into this present or any future session of Parliament, for the continuance of any Act which would expire in such sessions, and such Act shall have expired before the Bill for continuing the same shall have received the royal assent, such

When Bills for continuing expiring Acts shall not pass before the Acts expire, such

Acts shall be continued from their expiration.

continuing Act shall be deemed and taken to have effect from the date of the expiration of the Act intended to be continued, as fully and effectually, to all intents and purposes, as if such continuing Act had actually passed before the expiration of such Act, except it shall be otherwise especially provided in such continuing Act: provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to affect any person or persons with any punishment, penalty, or forfeiture whatsoever, by reason of anything done or omitted to be done by any such person or persons contrary to the provisions of the Act so continued, between the expiration of the same and the date at which the Act continuing the same may have received or shall receive the royal assent.

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49 GEORGII III. Cap CXXVI.

An Act *for the further Prevention of the Sale and Brokerage of Offices.* [20*th June,* 1809.]

5 & 6 Ed 6, c. 16.

Whereas an Act passed in the fifth and sixth year of the reign of King Edward the Sixth, intituled, "Against buying and selling of Offices:" and whereas it was in and by the said Act enacted, amongst other things, that if any person or persons at any time thereafter bargained or sold any office or offices, or deputation of any office or offices, or any part or parcel of any of them, or received, had, or took any money, fee, reward, or any other profit, directly or indirectly, or took any promise, agreement, covenant, bond, or any assurance, to receive, or have any money, fee, reward, or other profit, directly or indirectly, for any office or offices, or for the deputation of any office or offices, or any part of any of them, or to the intent that any person should have, exercise, or enjoy any office or offices, or the deputation of any office or offices, or any part of any of them, which office or offices, or any part or parcel of them, should in anywise touch or concern the administration or execution of justice, or the receipt, controlment, or payment of any of the King's Highness's treasure, money, rent, revenue, account, aulnage, auditorship, or surveying of any of the King's Majesty's honours, cstles, manors, lands, tenements, woods, or hereditaments, or any of the King's Majesty's customs, or any other administration or necessary attendance to be had, done, or executed in any of the King's Majesty's custom-house or houses, or the keeping of any of the King's Majesty's towns, castles, or fortresses, being used, occupied, or appointed for places of strength and defence, or which should concern or touch any clerkship to be occupied in any manner of Court of Record, wherein justice was to be ministered, that then all and every such person and persons that should so bargain or sell any of the said office or offices, deputation or deputations, or that should take any money, fee, reward, or profit for any of the said office or offices, deputation or deputations of any of the said offices, or any part of any of them, or that should take any promise, covenant, bond, or assurance for any money, reward, or profit to be given for any of the said office or offices, deputation or deputations of any of the said office or offices, or any part of any of them, should not only lose and forfeit all his and their right, interest, and estate which such person or persons should then have of, in, or to any of the said office or offices, deputation or deputations, or in any part of them, or of, in, or to the gift or nomination of any of the said office or offices, deputation or deputations, for the which office or offices, or for the deputation or deputations of which offices, or for any

part of any of them, any such person or persons should so make any bargain or sale, or take or receive any sum of money, fee, reward, or profit, or any promise, covenant, or assurance to have or receive any fee, reward, money, or profit, but also that all and every such person or persons that should give or pay any sum of money, reward, or fee, or should make any promise, agreement, bond, or assurance for any of the said offices, or for the deputation or deputations of any of the said office or offices, or any part of any of them, should immediately by and upon the same fee, money, or reward given or paid, or upon any such promise, covenant, bond, or agreement had or made for any fee, sum of money, or reward, to be paid as is aforesaid, be adjudged a disabled person in the law to all intents and purposes, to have, occupy, or enjoy the said office or offices, deputation or deputations, or any part of any of them, for the which such person or persons should so give or pay any sum of money, fee, or reward, or make any promise, covenant, bond, or other assurance, to give or pay any sum of money, fee, or reward; and that all and every such bargains, sales, promises, bonds, agreements, covenants, and assurances as before specified, should be void to and against him and them by whom any such bargain, sale, bond, promise, covenant, or assurance should be had or made: and whereas it was in the said Act provided, that the said Act, or any thing therein contained, should not in anywise extend to any office or offices, whereof any person or persons was or should be fiefed of any estate of inheritance, nor to any office of parkership, or of the keeping of any park, house, manor, garden, chase, or forest, or to any of them: and whereas it was by the said Act further provided, that if any person or persons did thereafter offend in any thing contrary to the tenor and effect of the said Act, yet that, notwithstanding all judgments given, and all other act and acts executed or done by any such person or persons so offending, by authority or colour of the office or deputation which ought to be forfeited, or not occupied or not enjoyed, by the person so offending, after the said offence so by such person committed or done, and before such person so offending for the same offence should be removed from the exercise, administration, and occupation of the said office or deputation, should be and remain good and sufficient in law, to all intents, constructions, and purposes, in such like manner and form as the same would or ought to have remained and been if this Act had never been had or made: and whereas it was by the said Act further provided, that the said Act or any thing therein contained, should not in anywise extend, or be prejudicial or hurtful to any of the Chief Justices of the King's Courts, commonly called the King's Bench or Common Pleas, or to any of the Justices of Assize, that then were or thereafter should be, but that they and every of them might do in every behalf touching or concerning any office or offices to be given or granted by them or any of them, as they or any of them might have done before the making of the said Act: be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, the said Act and all the provisions therein contained shall extend, and be construed to extend, to Scotland and Ireland, and to all offices in the gift of the Crown, or of any office appointed by the Crown, and all commissions, civil, naval or military, and to all places and employments, and to all deputations to any such offices, commissions, places, or employments in the respective departments or offices, or under the appointment or superintendence and control of the Lord High Treasurer or Commissioners of the Treasury, the Secretary of State, the Lords Commissioners for executing the office of Lord High Admiral, the Master-general and principal officers of his Majesty's Ordnance, the Commander-in-chief, the Secretary at War, the Paymaster-general of his Majesty's Forces, the Commissioners for the affairs of India, the Commissioners of the Excise, the Treasurer of the Navy, the Commissioners of the Navy, the

Provisions of 5 & 6 Ed. 6, c. 16, extended to other offices

Commissioners for Victualling, the Commissioners of Transports, the Commissary-general, the Storekeeper-general, and also the principal officers of any other public department or office of his Majesty's Government in any part of the United Kingdom, or in any of his Majesty's dominions, colonies, or plantations which now belong or may hereafter belong to his Majesty, and also to all offices, commissions, places, and employments belonging to or under the appointment or control of the United Company of Merchants of England trading to the East-Indies, in as full and ample a manner as if the provisions of the said Act were repeated as to all such offices, commissions, places, and employments, and made part of this Act ; and the said Act and this Act, and all the clauses and provisions therein respectively contained, shall be construed as one Act, as if the same had been herein repeated and re-enacted.

When right of appointment forfeited, to go to his Majesty.

II. Provided always, and be it further enacted, that where the right, estate, or interest of any person or persons shall be forfeited under any of the provisions of the said Act or this Act, the right of such appointment shall immediately vest in and belong to his Majesty, his heirs and successors.

Persons buying or selling offices, or receiving or paying money or rewards for offices, guilty of a misdemeanor.

III. And be it further declared and enacted, that from and after the passing of this Act, if any person or persons shall sell or bargain for the sale of, or receive, have, or take any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any way, device, or means, contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, and also if any person or persons shall purchase or bargain for the purchase of, or give or pay any money, fee, gratuity, loan of money, reward, or profit, or make or enter into any promise, agreement, covenant, contract, bond, or assurance to give or pay any money, fee, gratuity, loan of money, reward, or profit, or shall by any way, means, or device, contract or agree to give or pay any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, for any office, commission, place or employment specified or described in the said recited Act or this Act, or within the true intent and meaning of the said Act or this Act, or for any deputation thereto, or for any part, parcel, or participation of the profits thereof, or for any appointment or nomination thereto or resignation thereof, or for the consent or consents, or voice or voices, of any person or persons to any such appointment, nomination, or resignation, then and in every such case, every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

Persons receiving or paying money for soliciting offices, and any negotiations or pretended negotiations relating thereto, guilty of a misdemeanor.

IV. And be it further enacted, that from and after the passing of this Act, if any person or persons shall receive, have, or take any money, fee, reward, or profit, directly or indirectly, or take any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, for any interest, solicitation, petition, request, recommendation, or negotiation whatever, made or to be made, or pretended to be made, or under any pretence of making or causing or procuring to be made any interest, solicitation, petition, request, recommendation, or negotiation in or about or in anywise touching, concerning, or relating to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or under any pretence for using or having used any interest, solicitation, petition, request, recommendation, or negotiation in or about any such nomination, appointment, deputation, or resignation, or for the obtaining or having obtained the consent or consents, or voice or voices, of any person or persons as aforesaid to such nomina-

tion, appointment, deputation, or resignation ; and also if any person or persons shall give or pay, or cause or procure to be given or paid, any money, fee, gratuity, loan of money, reward or profit, or make or cause or procure to be made any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree or give or pay, or cause or procure to be given or paid any money, fee, gratuity, loan of money, reward or profit for any solicitation, petition, request, recommendation, or negotiation whatever, made or to be made, that shall in anywise touch, concern, or relate to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or for the obtaining or having obtained, directly or indirectly, the consent or consents, or voice or voices of any person or persons as aforesaid to any such nomination, appointment, deputation, or resignation; and also if any person or persons shall, for or in expectation of gain, fee, gratuity, loan of money, reward, or profit, solicit, recommend, or negotiate in any manner for any person or persons in any matter that shall in anywise touch, concern, or relate to any such nomination, appointment, deputation, or resignation aforesaid, or for the obtaining, directly or indirectly, the consent or consents, or voice or voices of any person or persons to any such nomination, appointment, or deputation, or resignation aforesaid, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

Persons opening or advertising houses for transacting business relating to the sale of offices, guilty of a misdemeanor.

V. And whereas on the pretence of negotiating or soliciting the sale, transfer, or appointment of any office or offices which under the exception of this Act or otherwise it may be lawful to sell, offices for negotiating the same, and advertisements may be published, by means and under the colour of which illegal transactions intended to be prohibited by this Act may be carried on ; be it therefore further enacted, that from and after the passing of this Act, if any person or persons shall open or keep any house, room, office, or place for the soliciting, transacting, or negotiating in any manner whatever any business relating to vacancies in, or the sale or purchase of, or appointment, nomination, or deputation to, or resignation, transfer, or exchange of any offices, commissions, places, or employments whatever in or under any public department, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist therein, shall be deemed and adjudged guilty of a misdemeanor.

Inflicting a penalty on persons advertising or publishing the names of brokers or agents.

VI. And be it further enacted, that if any person or persons shall advertise or publish, or cause or procure to be advertised or in any manner published any house, room, office, or place to have been or to be opened, set up, or kept for any of the purposes aforesaid, or advertise or publish, or cause or procure to be advertised or published, the name or names of any person or persons as broker or brokers, agent or agents, solicitor or solicitors, for any of the purposes aforesaid, or print or cause or procure or permit or suffer to be printed or advertised any advertisement or advertisements, proposal or proposals, for any of the purposes aforesaid, then and in such case such person or persons shall forfeit for every such offence the sum of fifty pounds, to be sued for, levied, or recovered in any of his Majesty's Courts of Record; at Westminster, as to all offences committed in England, or at Dublin as to offences committed in Ireland, or in his Majesty's Courts in Scotland as to offences committed in Scotland respectively ; and the whole of every such penalty shall go to the person who shall sue for the same, with full costs of suit.

Act not to extend to purchase or sale of commissions for the

VII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to any purchases, sales, or exchanges of any commissions or

regulated prices, or authorized regimental agents acting in such cases according to regulation, without fee or reward.

appointments in the honourable band of Gentlemen Pensioners, or in his Majesty's Yeomen Guard, or in the Marshalsea, and the Court of the Palace of the King at Westminster, or to extend to any purchases, sales, or exchanges, of any commissions in his Majesty's forces for such prices as shall be regulated and fixed by any regulation made or to be made by his Majesty in that behalf, or to any act or thing done in relation thereto, by any agents, provided that such agents shall be agents of regiments authorized by the Commander-in-chief of his Majesty's forces, or by the colonels or commandants of regiments or corps, and shall act therein under such regulations only as are or shall from time to time be established by his Majesty, and shall not cause or procure, or knowingly permit or suffer to be printed or advertised, any advertisement or advertisements, proposal or proposals, for any purchase or sale or exchange of any commission, or any negotiation relating thereto, and shall not receive or take any money, fee, gratuity, or reward, or any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree to receive or have any money, fee, gratuity, or reward, for acting in such behalf.

Officers in army giving more than regulated prices, or paying agents for negotiating, to forfeit their commissions, and be cashiered; their commissions to be sold, and half of the produce, when not exceeding a certain sum, to go to informer.

VIII. Provided also, and be it further enacted, that every officer in his Majesty's forces, who shall take, accept, or receive, or pay or agree to pay, any larger sum of money, directly or indirectly, than what is allowed by any regulations made by his Majesty in relation to the purchase, sale, or exchange of commissions in his Majesty's forces, or who shall pay or cause to be paid any sum of money to any agent or broker, or other person, for negotiating the purchase or sale or exchange of any such commission, shall, on being convicted thereof by a general court martial, forfeit his commission, and be cashiered: and as an encouragement for the detection of such practices, such commission so forfeited shall be sold, and half the regulated value (not exceeding five hundred pounds) shall be paid to the informer, and the other half, or the remainder, if more than five hundred pounds, shall go and be applied as his Majesty shall order and direct, by any regulations from time to time made in that behalf: provided also, that every person who shall sell his commission in his Majesty's forces, and not continue to hold any commission in his Majesty's forces, and shall, upon or in relation to such sale, take, accept, or receive, directly or indirectly, any money, fee, gratuity, loan of money, reward, or profit, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any device or means contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, beyond the regulated price or value of the commission sold, and also every person who shall wilfully or knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor within the provisions of this Act.

Act not to extend to offices excepted in former Act, nor to securities or transactions under legal securities.

IX. Provided always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend, to any office excepted from the provisions of the said Act passed in the sixth year of the reign of King Edward the Sixth against buying and selling of offices, or to any office which was legally saleable before the passing of this Act, and in the gift of any person by virtue of any office of which such person is or shall be possessed under any patent or appointment for his life, or to render invalid or in any manner to affect any promise, agreement, covenant, contract, bond, assurance, or trust, entered into or declared before the passing of this Act, and which before the passing thereof was a valid promise, agreement, covenant, contract, bond, assurance, or trust, in law or equity, or to any money paid, or to any act, matter, or thing done in pursuance of any such promise, agreement, covenant, contract, bond, or assurance.

X Provided also, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prevent or make void any deputation to any office, in any case in which it is lawful to appoint a deputy, or any agreement, contract, bond, or assurance lawfully made in respect of any allowance, salary, or payment made or agreed to be made by or to such principal or deputy respectively, out of the fees or profits of such office.

Act not to extend to lawful deputations where payment of principal or deputy is out of the fees.

XI. Provided also, and be it further enacted, that nothing in the said Act or in this Act contained shall extend to any annual reservation, charge, or payment made or required to be made out of the fees, perquisites, or profits of any office to any person who shall have held such office, in any commission or appointment of any person succeeding to such office, or to any agreement, contract, bond, or other assurance made for securing such reservation, charge, or payment: provided always, that the amount of such reservation, charge, or payment, and the circumstances and reasons under which the same shall have been permitted, shall be stated in the commission, patent, warrant, or instrument of appointment of the person so succeeding to and holding such office, and paying or securing such money as aforesaid.

Act not to extend to annual payments out of the fees of any office to any person formerly holding such office.

The 12th section exempts from the operation of the Act certain offices in the Court of Chancery in Ireland, until after the death, resignation, or removal of the existing incumbents.

XIII. Provided always, and be it enacted, that every person who shall commit, in Scotland, any offence against this Act, which by the provisions of the same is constituted a misdemeanor, shall be liable to be punished by fine and imprisonment, or by the one or the other of such punishments, as the Judge or Judges before whom such offender shall be tried and convicted may direct.

Manner of punishing offenders in Scotland.

XIV. And be it further enacted, that all offences committed against the provisions of the said recited Act and this Act, by any governor, lieutenant-governor, or person having the chief command, civil or military, in any of his Majesty's dominions, colonies, or plantations, or his or their secretary or secretaries, may and shall be prosecuted and inquired of, and heard and determined in his Majesty's Court of King's Bench at Westminster, in like manner as any crime, offence, or misdemeanor committed by any person holding a public employment abroad, may be prosecuted and inquired of under the provisions of an Act passed in the forty-second year of the reign of his present Majesty, intituled, "An Act for the trying and punishing in Great Britain Persons holding public employments, for Offences committed abroad;" and for extending the provisions of an Act passed in the twenty-first year of the reign of King James, made for the ease of Justices and others in pleading in suits brought against them, to all persons, either in or out of this kingdom, authorized to commit to safe custody.

Offences committed abroad shall be tried in King's Bench.

42 G. 3. c. 85.

XV. Provided always, and be it further enacted, that nothing in the said recited Act or this Act contained shall extend, or be construed to extend, to Gibraltar, Malta, or any place or places in the Mediterranean, until three months; or to any of his Majesty's dominions, colonies, or plantations in America or the West-Indies, until four months; or to the Cape of Good Hope, the Island of Saint Helena, or any part of Africa, until six months; or to any of his Majesty's dominions in the East-Indies or beyond the Cape of Good Hope, until twelve months, after the passing of this Act.

Commencement of the Act in certain places abroad.

50 GEORGII III. Cap. LXXXVII.

An Act *to amend Two Acts, relating to the raising Men for the Service of the East-India Company, and the Quartering and Billetting such Men; and to Trials by Regimental Courts-Martial.* [15*th June*, 1810.]

39 G. 3, c. 109. 27 G. 2, c. 9.

Whereas an Act passed in the thirty-ninth year of the reign of his present Majesty, intituled, "An Act for the better recruiting the Forces of the East-India Company;" and whereas an Act passed in the twenty-seventh year of the reign of his late Majesty King George the Second, intituled, "An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of England trading to the East-Indies, and for the punishment of Offences committed in the East-Indies or at the Island of Saint Helena:" and whereas it would tend to the more speedy recruiting of the forces of the East-India Company, if men were permitted to enlist for a limited time in the service of the said Company, without engaging to serve in his Majesty's forces; and provision must in such case be made for quartering and billetting the men so raised; and whereas it is also expedient that the provisions of the said recited Act of his late Majesty King George the Second, as to trials by regimental courts-martial, should be amended in relation to the members and witnesses being sworn, as now required on such trials in his Majesty's regular forces;

His Majesty may order any of his officers to enlist the number of men specified in recited Act of 39 G. 3, c. 109, to serve in the Company's forces in India for life or a limited time.

be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, his heirs and successors, to order and cause such of his officers as he shall see fit, to levy, enlist, and raise such number of men, either for life or limited service, as his Majesty shall from time to time think fit, not exceeding the number of men specified in the said recited Act of the thirty-ninth year of the reign of his present Majesty aforesaid, (1) for the special purpose of serving in the East-Indies in the forces of the said United Company only; and the recruits to be raised for such special purpose, instead of taking the oath of fidelity appointed to be taken by the said recited Act of the thirty-ninth year aforesaid, or by any Act in force for the

Oaths to be taken as in Schedule.

punishment of mutiny and desertion, shall take the oath specified in the Schedule to this Act annexed, marked (A.); and instead of the oath of service prescribed by any Act in force for the punishing of mutiny and desertion, shall take the oath in the Schedule to this Act annexed, marked (B.); which oaths shall be administered by all justices of the peace and magistrates before whom any such recruits shall be carried for the purpose of being attested; and the certificate given upon such attestation shall be in the form in the Schedule to this Act annexed, marked (C.). (2)

(1) [See note on 28 Geo. 3, cap. 8, sec. 2.]

(2) [By 3 & 4 Vict. cap. 6, (the Annual Mutiny Act), the oaths therein prescribed, are, during the continuance of that Act, to be administered and no other. These as well as the form of certificate directed

to be given by the attesting Justice, will be found in their proper place in this volume.]

II. And be it further enacted, that all soldiers enlisted into the service of the said United Comany of Merchants shall be trained and disciplined and subject to such command and regulations, and at all times and until their embarkation be subject to all the provisions of any Act in force for the punishment or mutiny and desertion, and the better payment of the army and their quarters, and after their embarkation, to the provisions of the said recited Act of the twenty-seventh year aforesaid, (1) in like manner as is prescribed in the said recited Act of the thirty-ninth year aforesaid; and all the powers, authorities, provisions, clauses, rules, regulations and restrictions, penalties and forfeitures, contained and prescribed in the said recited Act of the thirty-ninth year aforesaid, shall extend and be in full force as to all soldiers enlisted under and after the passing of this Act into the service of the said United Company of Merchants, as fully and effectually, as if the same were severally and respectively repeated and re-enacted in this Act and made part thereof.

Soldiers to be subject to the Mutiny Act till their embarkation, then to be subject to the recited Act of 27 G. 2, c. 9.

(1) [The 27 Geo. 2, cap. 9, here referred to, was repealed by 4 Geo. 4, cap. 81. The laws for punishing mutiny and desertion of officers and soldiers in the service of the East-India Company are now consolidated in 3 & 4 Vict. cap. 37.]

III. And be it further enacted, that all the powers, authorities, provisions, clauses, rules, regulations, and restrictions, and penalties, and forfeitures, contained and prescribed in any Act or Acts of Parliament in force for the time being, in relation to the quartering and billetting and provisioning of, and allowances in respect of such quartering and billetting of soldiers and officers in his Majesty's service, and to the providing of carriages for the use of soldiers, shall, from and after the passing of this Act, extend to all soldiers enlisted for or transferred into the service of the said United Company of Merchants, as fully and effectually as if the same were severally and separately repeated and re-enacted in this Act, and made part thereof; any thing in the said Act of the thirty-ninth year aforesaid, or any other Act or Acts of Parliament to the contrary notwithstanding.

Powers of Acts relating to quartering, &c. to extend to this Act.

IV. And whereas it is expedient to allow men to enlist in the service of the said United Company for twelve years; be it therefore enacted, that it shall be lawful for any person enlisting for limited service in the service of the said United Company, to enlist for twelve years, if at the time of such enlisting he shall be of the age of eighteen years and upwards, and if he shall be under eighteen years of age, then for such further period beyond twelve years as shall be equal to the difference between eighteen years and the age of the person so enlisting.

Men may enlist for twelve years, &c.

V. Provided always, and be it further enacted, that it shall be lawful for all persons who shall have been enlisted for limited service in the forces of the said United Company, after the expiration of the first period for which they shall have been severally enlisted, to re-enlist for such further period as shall be allowed and appointed by any order of the Governor-general in Council in Bengal.

After the expiration of the first period the men may re-enlist.

VI. And be it further enacted, that it shall be lawful for any person ballotted or enrolled to serve or serving in the local militia, to enlist or enter into the service of the United Com-

Men serving in the local militia may enlist.

pany of Merchants trading to the East-Indies, in like manner and at such times as any such person might or may enlist or enter into his Majesty's regular forces.

His Majesty may direct the manner of trials by courts-martial.

VII. And be it further enacted, that all regimental and garrison and other courts-martial which shall be held for the trial of any offences committed by the troops in the service of the said United Company, shall have full power and are hereby authorized and required to take and administer such oaths, and to proceed in such manner in the trial of offences, as his Majesty shall from time to time think fit to order and direct.

The schedules containing the oaths and certificate referred to in sec. 1, are omitted for the reason assigned in note (2) on that section.

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51 GEORGII III. Cap. LXIV.

An Act *to enable the East-India Company to raise a further Sum of Money upon Bond, instead of increasing their Capital Stock; and to alter and amend an Act, passed in the Forty-seventh Year of the Reign of his present Majesty, relative thereto.* [10*th June*, 1811.]

37 G. 3, c. 31.

Whereas by an Act made in the thirty-seventh year of the reign of his present Majesty, intituled, "An Act to enable the East-India Company to raise Money for further increasing their Capital Stock, and to extend the Provisions now existing respecting the present Stock of the Company to the said increased Stock," after reciting, that the affairs of the United Company of Merchants of England required a permanent advance of a considerable sum of money, beyond what the said Company could raise under the powers then vested in them by law, the said United Company are authorized and empowered to raise money by enlarging their then capital stock or fund of six millions of pounds, to any sum or sums not exceeding the further sum of two millions capital stock, so that their whole capital stock should not
47 G. 3, c. 41.
exceed the capital sum of eight millions; and whereas by an Act made in the forty-seventh year of the reign of his said Majesty, intituled, "An Act to enable the East-India Company to raise Money upon Bond, instead of increasing their Capital Stock," the said Company are authorized to borrow, upon bonds to be issued under their common seal, any sum or sums of money not exceeding in the whole the sum of two millions sterling, over and above such sum and sums of money as the said Company could then lawfully raise on their bonds, and to apply the money so to be borrowed and raised, for such purposes as under and by virtue of the said Act of the thirty-seventh year of the reign of his said Majesty, the money to be raised by enlarging the capital stock of the said Company was applicable; and by the said Act of the forty-seventh year of the reign of his said Majesty, it is provided, that when the said Company should have raised any part of the money which they were thereby authorized to raise by bond, then and so long as such further bond debt, or any part thereof, should continue, all the money thereafter to be raised by enlarging the capital stock of the said United Company, under and by virtue of the said Act passed in the thirty-seventh year of

the reign of his said Majesty, should be applied towards the reduction of the bond debt of the said United Company, until it should be reduced to the sum which the said Company might then lawfully raise by bond; and in case the said Company should enlarge their capital stock, under and by virtue of the said Act passed in the thirty-seventh year of the reign of his present Majesty, before they should have increased their bond debt under the authority of the Act now in recital, that then the sum which they were thereby empowered to raise on bond, should be reduced by the sum of two hundred pounds sterling, in respect of every one hundred pounds capital stock so enlarged, and so on in proportion for a greater or less amount of capital stock which should have been created: and whereas a considerable part of the debt secured by the engagement of the said Company in the East-Indies, and which was incurred by reason of territorial and political expenses in that country, has lately been discharged in India, by means of bills drawn by the Governments of the said Company in the East-Indies upon their Court of Directors in London; and thereby it has become necessary for the said Company to provide in this country a much larger sum of money than in the ordinary course of their transactions can arise from the sales of their goods and the ordinary receipts and means of the said Company; and whereas the said United Company have not yet increased their capital stock, under and by virtue of the powers contained in the said first-mentioned Act; and it is expedient that the power of the said United Company to raise money upon their bonds should be enlarged, so that they may be enabled either to raise a further sum by bond, or by increase of their capital stock; and therefore that the provisions in the said last-recited Act, as to the application of the money to be raised by increasing the capital stock of the said Company, and as to the reduction of the power of the said Company to increase their bond-debt in a certain case, should be repealed, and that other provisions should be made in respect thereof; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the said Company, by and with the approbation and consent of the Board of Commissioners for the affairs of India for the time being, at any time or times hereafter, to borrow upon bonds to be issued under their common seal, any further sum or sums of money not exceeding in the whole the sum of two millions sterling, over and above such sum and sums as the said Company can now lawfully raise on their bonds, and to apply the money so to be borrowed and raised for such purposes, as under and by virtue of the said Act of the thirty-seventh year of the reign of his said Majesty, the money to be raised by enlarging the capital stock of the said Company is applicable; any thing contained in the said recited Act or any other Act notwithstanding.

Enabling the Company to borrow a further sum of money upon bonds.

II. And be it further enacted, that so much of the said Act of the forty-seventh year of the reign of his present Majesty, as provides that all the money to be raised by enlarging the capital stock of the said Company as therein mentioned, should be applied towards the reduction of the bond debt of the said United Company, until it should be so reduced to the sum which the said Company might then lawfully raise by bond, and as provides that in case the said Company should enlarge their capital stock, then that the sum which they were thereby empowered to raise by bond should be reduced, shall be and the same is hereby repealed.

Repealing part of 47 G. 3. c. 41.

III. Provided always, and be it enacted, that when the said United Company shall have raised under and by virtue of the said Act of the thirty-seventh year of the reign of his present Majesty, and of the said Act of the forty-seventh year of the reign of his present Majesty,

After raising £1,000,000, Company restrained from raising further money on bond.

and of this Act, such sums of money as together shall amount to the sum of four millions sterling, then and from thenceforth it shall not be lawful for the said Company to raise any further sum of money upon bond; and all money which from thenceforth shall be raised by increase of capital stock, under and by virtue of the said first-mentioned Act, shall be applied in discharge of the said bond debt, until the said bond debt, created by virtue of the said Act of the forty-seventh year of the reign of his Majesty, or this Act, together with the money to be raised by increase of capital as aforesaid, shall be reduced to the sum of four millions sterling.

Bonds issued by the Company under their common seal shall be transferable, &c.

IV. And whereas bonds issued under the common seal of the said United Company, for money borrowed by them by virtue of the powers enabling them to borrow money upon bond, have usually been entered into, and have been expressed to have been made payable to the person who for the time being has been the treasurer of the said United Company, or his assigns, and upon his indorsement thereof they have been sold and passed from one person to another, by delivery of the possession thereof; and it is expedient that a legal effect should be given to such mode of transfer of the property in the said bonds, and the money secured thereby; be it therefore further enacted, that all bonds issued, or to be issued, under the common seal of the said United Company, by virtue of any power by which they have been, are, or hereafter may be authorized to borrow money upon their bonds, shall be assignable and transferable by delivery of the possession thereof; and upon every such assignment or transfer, the money secured by the bond so assigned or transferred, and due, and to become due thereon, and the property in such bond, shall be absolutely vested, as well at law as in equity, in the person or persons, body or bodies politic and corporate, to whom the same shall be so assigned or transferred, and the person or persons, body or bodies politic and corporate, to whom any such bond shall be so assigned and transferred, and his, her, and their executors, administrators, and successors respectively, shall and may maintain, his, her, or their action for the principal and interest secured thereby, and due thereon, or otherwise relating thereto, in like manner as the obligee or obligees named in any such bond, or his, her, or their executors, administrators, or successors, may now maintain any action thereon; and in every such action the plaintiff or plaintiffs shall recover his, her, or their debts, damages, and costs of suit; and if any such plaintiff or plaintiffs shall be nonsuited, or a verdict be given against him, her, or them, the defendant or defendants shall recover his, her, or their costs against the plaintiff or plaintiffs, and every such plaintiff or plaintiffs, defendant or defendants, respectively recovering, may sue out execution for such debt, damages, and costs by *capias*, *fieri facias*, or *elegit*.

Public Act.

V. And be it further enacted, that this Act shall be deemed and taken to be a public Act and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

For other enactments respecting the bond debt, see note on 34 Geo. 3, cap. 41.

51 GEORGII III. Cap. LXXV.

An Act *for making further Provision for the Payment of Salaries and other Charges in the office of the Commissioners for the Affairs of India; and for enabling the East-India Company to restore to the Service of the said Company Military Officers, removed therefrom by Sentences of Courts-Martial; and to authorize the said Company in cases of unforeseen emergency, to take up Ships by private Contract.* [15*th June*, 1811.]

Whereas by an Act passed in the thirty-third year of the reign of his present Majesty, intituled, " An Act for continuing in the East-India Company, for a further term, the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay," it was among other things enacted, that it should be lawful for his Majesty, his heirs or successors, by any Letters Patent, or by any commission or commissions, to be issued under the great seal of Great Britain from time to time to nominate, constitute, and appoint, during his or their pleasure, such members of the Privy Council (of whom the two principal Secretaries of State and the Chancellor of the Exchequer for the time being should always be three), and such other two persons as his Majesty, his heirs, or successors, should think fit, to be, and who should accordingly be and be styled Commissioners for the affairs of India; and it was in and by the said Act also enacted, that the said Board of Commissioners should and might nominate and appoint such secretaries and officers as should be necessary to attend upon the said Board, who should be subject to dismission at the pleasure of the said Board; and that as well the said Commissioners, or such and so many of them as his Majesty should think fit, as likewise their secretaries and other officers, should be paid such fixed salaries as his Majesty should by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct; all which salaries, together with all other contingent charges and expenses to be incurred by the said Board, should be paid and defrayed quarterly by the United Company of Merchants of England trading to the East-Indies, and be deemed and taken as part of their commercial charges, the quarterly amount thereof being first settled and allowed by the said Board, and certified by the president or acting president of the said Board for the time being, to the Court of Directors of the said Company; provided that the whole of the salaries to be paid to the members of the said Board should not exceed the sum of five thousand pounds in any one year; and that the whole of the salaries, charges, and expenses of the said Board, exclusive of the salaries of the members of the said Board, should not exceed the sum of eleven thousand pounds in any one year; and whereas it is reasonable that a more ample allowance should be made for the said salaries, charges, and expenses: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that so much of the said Act as limits the whole of the salaries to be paid to the members of the said Board, to the sum of five thousand pounds in any one year, and the whole of the salaries, charges, and expenses of the said Board, exclusive of the

33 G. 3, c. 52.

So much of Act as limits the salaries and expenses, repealed.

salaries of the members thereof, to the sum of eleven thousand pounds in any one year, shall be, and the same is hereby repealed. (1)

(1) [For the present constitution of the Board of Commissioners, see 3 & 4 Wm. 4, cap. 85, secs. 19 and 20. By section 23 two secretaries and other officers are to be appointed and paid; but no Commissioner, excepting the President, is to receive any salary in virtue of his office of Commissioner. By 53 Geo. 3, cap. 155. sec. 90, the expenses of the Board are limited to £26,000 per annum; and the 3 & 4 Wm. 4, cap. 85, sec. 110, restrains the Board from increasing the amount, except for defraying the extraordinary expenses occasioned by the suspension of the Company's trade, and which are provided for by sec. 6 of the same Act.]

So much of 50 G. 3, c. 117, as directs accounts of increase and diminution of salaries, &c. to be laid before Parliament, shall extend to the office of the Commissioners for the affairs of India.

III. And be it further enacted, that so much of an Act passed in the fiftieth year of his present Majesty's reign, intituled, "An Act to direct that Accounts of Increase and Diminution of Public Salaries, Pensions, and Allowances shall be annually laid before Parliament, and to regulate and control the granting and paying of such Salaries, Pensions, and Allowances," as directs that between the first day of February and the twenty-fifth day of March in every year, if Parliament shall be sitting during any part of such period; or if Parliament shall not be sitting during any part of such period, then within forty days after the commencement of the session of Parliament in such year, there shall be laid before both Houses of Parliament an account of every increase and diminution which shall have taken place within the preceding year, ending on the first day of January, in the number of persons employed in all public offices or departments, or in the salaries, emoluments, allowances, and expenses which may have taken place, or been paid, granted, received, or incurred for and in respect of all officers and persons belonging to or employed in or by, or in the service of all public offices or departments, specifying the amount and nature thereof, and distinguishing in such account every increase and diminution in the amount of all allowances or compensations granted or allowed, as retired allowances or superannuations, to any person or persons having held any office, place, or employment in any such public office or department; or having been employed in any manner in any public services under any such office or department; and specifying in every such account the time and length of service of every such person, and the amount of the salary or allowances received by such person immediately preceding such superannuation, and the nature of his services; and also specifying in every such account the grounds upon which every such increase or diminution in the establishment of any such public office or department, or of any such salary, emolument, allowance, or compensation, or superannuation as aforesaid, shall have been made, granted, or allowed, shall extend, and be construed to extend, to the office of the Commissioners for the affairs of India.

East-India Company may restore to their service military officers removed therefrom by sentences of courts-martial;

IV. And whereas it was in and by the said Act of the thirty-third year of his present Majesty's reign also enacted, that after sentence or judgment of any Court, having competent jurisdiction, whether in Great Britain or in India, against any Governor-general, Governor, President, Counsellor, or Commander-in-chief, or against any of the said United Company's

servants, civil or military, for any debts or penalty due or belonging to the said United Company, or for any extortion or other misdemeanor, it should not be lawful for the said United Company, in any case whatever, to release or compound such sentence or judgment, or to restore any servant or servants of the said Company who should have been removed or dismissed from his or their office or employment, for or on account of misbehaviour, by the sentence of any of the said Courts: and whereas doubts have arisen whether military officers may be restored to the service of the said United Company, who may have been removed therefrom by sentences of courts-martial; be it therefore enacted and declared, that it was and is lawful for the Court of Directors of the said United Company, to restore to the service of the said Company any military officer who shall have been or shall be dismissed or suspended therefrom by the sentence of a court-martial.

V. Provided always, and be it enacted, that from and after the passing of this Act, no such restoration shall be in anywise valid or effectual, without the approbation and consent of the Board of Commissioners for the affairs of India, for that purpose had and obtained.(1) with consent of the Board of Commissioners.

(1) [By 53 Geo. 3, cap. 155, sec. 83, the consent of the Board is rendered necessary to give effect to the restoration of any servant, civil or military, who may have been suspended or removed by any of the local Governments.]

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52 GEORGII III. Cap. CXXI.

An Act *to authorize the Transfer, to the East-Indies, of Debts originally contracted there, on the part of the East-India Company, payable in England.*

[13*th July*, 1812.]

Whereas sundry bills of exchange have been heretofore drawn upon the Court of Directors of the United Company of Merchants of England trading to the East-Indies, for several sums of money payable in London, in discharge of debts contracted on the part of the said United Company in the East-Indies; and by agreements made in London between the said Court of Directors and the persons entitled to the money secured by such bills, the money so secured has been re-transferred to the East-Indies, to be invested by way of loan to the said United Company, there to bear interest, after an Indian rate; and it may be convenient that similar agreements for the re-transfer to the East-Indies of other sums of money, payable or to be payable in London, should be made or entered into, and that the interest which may be to be considered as due at the time of entering into such agreements should be advanced here; and it is expedient, that all doubts as to the validity of such agreements and payments should be removed; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all such agreements heretofore made or hereafter to be made for the re-transfer from London to the East-Indies of sums of money, to be invested by way of loan to the said United Company in the East-Indies, there Agreements heretofore made or to be made for the re-transfer from London to the

East-Indies of sums of money shall be valid.

to bear interest after an Indian rate, and all obligations and securities entered into or to be entered into for the payment of any such sums of money or interest thereof, shall be valid and effectual in law, according to the true intent and meaning thereof, and of the parties to the same; and no person or persons shall be liable to any penalty or forfeiture for any thing done or to be done in consequence of any such agreement; any law, usage, or statute to the contrary thereof in anywise notwithstanding.

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52 GEORGII III. Cap. CXXII.

An Act *to remove Doubts as to an Act passed in the Fiftieth Year of the Reign of his present Majesty, relating to raising Men for the Service of the East-India Company.* [13*th July*, 1812.]

50 G. 3, c. 87.

Whereas an Act passed in the fiftieth year of the reign of his present Majesty, intituled "An Act to amend Two Acts relating to the raising Men for the Service of the East-India Company, and the quartering and billetting such Men, and to Trials by Regimental Courts-Martial:" and whereas doubts have arisen as to whether the provisions of the said Act extend to Ireland; and it is expedient that such doubts should be removed: may it therefore please your Majesty that it may be enacted, and be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Act, and all the provisions thereof shall, from the passing thereof, extend and be deemed and construed to extend to that part of the United Kingdom called Ireland, and all other the dominions and territories of his Majesty; anything in any Act or Acts to the contrary notwithstanding.

Recited Act extended to Ireland.

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53 GEORGII III. Cap. CXV.

An Act *to insure the proper and careful Manufacturing of Fire-Arms in England; and for making Provision for proving the Barrels of such Fire-Arms.* [10*th July*, 1813.]

Not to extend to Scotland or Ireland, to arms for military service, or for East-India Company.

III. Provided always, and be it further enacted and declared, that nothing in this Act contained shall extend, or be construed to extend, to that part of the United Kingdom called Scotland, or to that part of the United Kingdom called Ireland (except as to the forging marks as in this Act after mentioned), or to the proving of any barrels used in the manufacturing of any musket, pistol, or other fire-arms, for the use of his Majesty's forces, or for the Honourable East-India Company.

53 GEORGII III. Cap. CLV.

An Act *for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter.* [21*st July*, 1813.]

Whereas by an Act of the Parliament of Great Britain, passed in the thirty-third year of his present Majesty's reign, for continuing in the East-India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations, and for other purposes, the possession and government of the British territories in India, together with an exclusive trade in, to, and from the East-Indies, and other the limits described in an Act made in the ninth year of the reign of King William the Third, or in a certain Charter of the fifth day of September, in the tenth year of the same King, were continued in the United Company of Merchants of England trading to the East-Indies, for a term thereby limited, under certain regulations and conditions; and whereas by an Act of the Parliament of Ireland, passed in the same thirty-third year of his present Majesty's reign, for regulating the trade of Ireland to and from the East-Indies under certain conditions and provisions, for a time therein mentioned, the exclusive privileges granted to the said United Company by the said Act of the Parliament of Great Britain were confirmed, subject to certain conditions and restrictions; and whereas it is expedient that the territorial acquisitions mentioned in the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, together with such other territorial acquisitions on the continent of Asia, or in any islands situate to the north of the Equator, as are now in the possession and under the government of the said United Company, with the revenues thereof, should, without prejudice to the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the same, or to any claim of the said United Company to any rights, franchises, or immunities, remain in the possession and under the government of the said United Company for a further term; subject to such powers and authorities for the superintendence, direction, and control over all acts, operations, and concerns, which relate to the civil or military government or revenues of the said territories, and to such further or other powers, authorities, rules, regulations, and restrictions, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made and provided by this Act; and whereas it is expedient that from and after the tenth day of April one thousand eight hundred and fourteen, the right of trading, trafficing, and adventuring in, to, and from, all ports and places within the limits of the said United Company's present Charter, save and except the dominions of the Emperor of China, should be open to all his Majesty's subjects, in common with the said United Company, subject to certain regulations and provisions; but that the existing restraints respecting the commercial intercourse with China should be continued, and the exclusive trade in tea preserved to the said Company, during the further term hereby limited: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the territorial acquisitions mentioned in

33 G. 3, c. 52.

9 & 10 Wm. 3, c. 44.

33 G. 3, c. 31.

Former territorial acquisitions in India,

with late acquisitions on the continent of Asia, or in any island north of the Equator, to continue in the government of the East-India Company for a further term.

the said Act of the Parliament of Great Britain, of the thirty-third year of his present Majesty, together with such of the territorial acquisitions since obtained upon the continent of Asia, or in any islands situate to the north of the Equator, as are now in the possession of and under the government of the said United Company, with the revenues thereof respectively, shall remain and continue in the possession and under the government of the said United Company, subject to such powers and authorities for the superintendence, direction, and control over all acts, operations, and concerns which relate to the civil or military government or revenues of the said territories, and to such further and other powers, authorities, rules, regulations, and restrictions, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made and provided by this Act, for a further term to be computed from the said tenth day of April one thousand eight hundred and fourteen, until the same shall be determined by virtue of the proviso herein-after contained.

Exclusive trade with China, and trade in tea; and provisions of former Acts not repealed by or repugnant to this Act, continued during further term.

II. And be it further enacted, that the sole and exclusive right of trading, trafficing, and using the business of merchandize in, to, and from the dominions of the Emperor of China, and the whole, sole, and exclusive right of trading and trafficing in tea, in, to, and from all islands, forts, havens, coasts, cities, towns, and places, between the Cape of Good Hope and the Straits of Magellan (1), in such manner as the same rights now are or lawfully may be exercised or enjoyed by the said United Company, by virtue of any Act or Charter now in force, but not further or otherwise; and all and singular the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters and things whatsoever, granted to or vested in the said Company by the said Acts of the thirty-third year of his present Majesty, or either of them, for and during the term limited by the said Act of the Parliament of Great Britain, and all other the enactments, provisions, matters and things contained in the said Acts of the thirty-third year of his present Majesty, or in any other Act or Acts whatsoever, which are limited, or may be construed to be limited, to continue for and during the term granted to the said Company by the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, so far as the same or any of them are in force, and not repealed by or repugnant to this Act, shall continue and be in force during the further term hereby granted to the said Company; subject to such alterations therein as may be made by any of the enactments, provisions, matters, and things in this Act contained.

(1) [The trade with China was thrown open by 3 & 4 Wm. 4, cap. 93. The 3 & 4 Wm. 4, cap. 85, suspended the Company's right to all trade except for the purposes of government.]

Section 3 contains a proviso for the determination of the exclusive trade.

Not to determine the corporation of the Company or their right to trade in common with others.

IV. Provided also, that nothing in the said proviso last herein-before contained, or in any proviso in the said Act of the ninth year of King William the Third, or in the said Charter of the fifth day of September in the tenth year of his reign, or in any other Act or Charter contained, shall extend, or be construed to extend, to determine the corporation of the said United Company, or to hinder, prevent, or preclude the said Company or their successors from carrying on at all times after such determination of their exclusive trade as aforesaid, a free

trade in, to, and from the East-Indies, and limits in the said last-mentioned Act or Charter contained, with all or any part of their joint stock in trade, goods, merchandizes, estates and effects, in common with other the subjects of his Majesty, his heirs, and successors, trading to, in, and from the said parts or limits(

(1) [Right to trade suspended by 3 & 4 Wm. 4, cap. 85.]

The 5th section provides for giving notice of the termination of the exclusive trade. Sections 6 to 20 relate to the trade, then first opened, to be carried on by other parties than the East-India Company, within the limits of the Charter, under certain restrictions ; but these sections were all repealed by the Consolidation Act, 4 Geo. 4, cap. 80 ; and by 3 and 4 Wm. 4, cap. 93, the trade was altogether thrown open. Section 21 repeals so much of 31 Geo. 3, cap. 42, as required the Company to provide certain quantities of saltpetre. Section 22 repeals so much of 9 & 10 Wm. 3, cap. 44, as required the Company's goods to be sold by inch of candle. Section 23 repeals so much of 33 Geo. 3, cap. 52, as required the Court of Directors to lay before the Board of Commissioners for the affairs of India certain papers relating to cordage, tonnage, freight, registering, and licences ; and also so much as required some of the ships of the Company to touch at Cork. Section 24, in reference to the trade of the Company, subjected their goods to the same duties as private goods.

XXV. And be it further enacted, that no new or additional imposition of any duty or tax upon the export, import, or transit of any goods, wares, or merchandize whatsoever, made or to be made by authority of the Governor-general or Governor in Council of any of the said Company's presidencies, or settlements in the East-Indies or parts aforesaid, shall be valid or effectual, until the same shall have been sanctioned by the Court of Directors of the said United Company, with the approbation of the said Board of Commissioners ; which sanction and approbation shall be signified to the said governments respectively by some public despatch from the said Court of Directors, describing each regulation for the purposes aforesaid, which shall be so sanctioned and approved by its title at full length, and expressing that the same is so sanctioned and approved ; and all such regulations, when promulgated in the East-Indies by the said governments, shall contain express mention that the same are made with the sanction of the said Court of Directors, and with the approbation of the said Board of Commissioners for the affairs of India ; and such mention shall be taken as conclusive evidence of such sanction and approbation in all Courts of Justice.

No duties imposed in India to be valid till sanctioned by the Directors, and approved by the Board of Control.

Section 26 repealed a duty on private trade previously enjoyed by the Company. Section 27 established certain exceptions to the repeal. Sections 28 and 29 provided for the payment of the rates of the East-

India Dock Company. Sections 30 and 31 provided for the employment by the Company and private traders of India-built ships for a limited period. Section 32, relating to ships engaged in the South Sea whale fishery, was repealed by 4 Geo. 4, cap. 80, which Act, being intended to consolidate and amend the laws relating to trade within the limits of the Charter, was repealed, with certain exceptions, by the 3 & 4 Wm. 4, cap. 93, by which the trade was opened without restriction; but the repeal did not operate to revive parts of former Acts repealed by the said 4 Geo. 4, cap. 80.

When the Court of Directors refuse permission to any persons to proceed to the East-Indies, the application to be transmitted to the Board, who may direct certificates to be granted by the Directors, authorizing such persons to proceed to any of the principal settlements.

XXXIII. And whereas it is the duty of this country to promote the interest and happiness of the native inhabitants of the British dominions in India; and such measures ought to be adopted as may tend to the introduction among them of useful knowledge, and of religious and moral improvement: and in furtherance of the above objects, sufficient facilities ought to be afforded by law to persons desirous of going to and remaining in India, for the purpose of accomplishing those benevolent designs, so as the authority of the local governments respecting the intercourse of Europeans with the interior of the country be preserved, and the principles of the British Government, on which the natives of India have hitherto relied for the free exercise of their religion, be inviolably maintained: and whereas it is expedient to make provision for granting permission to persons desirous of going to and remaining in India for the above purposes, and also to persons desirous of going to and remaining there for other lawful purposes; be it therefore enacted, that when and as often as any application shall be made to the said Court of Directors, for or on behalf of any person or persons desirous of proceeding to the East-Indies for permission so to do, the said Court shall, unless they shall think fit to comply therewith, transmit every such application within one month from the receipt thereof to the Board of Commissioners for the affairs of India; and in case the said Commissioners shall not see any sufficient objection thereto, it shall and may be lawful for the said Commissioners to direct that such person or persons shall, at his or their own special charge, be permitted to proceed to any of the said principal settlements of the said Company, and that such person or persons shall be furnished by the said Court of Directors with a certificate or certificates according to such form as the said Commissioners shall prescribe, signifying that such person or persons hath or have so proceeded with the cognizance and under the sanction of the said Court of Directors; and that all such certificates shall entitle the persons obtaining the same, so long as they shall properly conduct themselves, to the countenance and protection of the several governments of the said Company in the East-Indies and parts aforesaid, in their respective pursuits, subject to all such provisions and restrictions as are now in force, or may hereafter be judged necessary, with regard to persons residing in India.

Directors may make representations thereon to the Board.

XXXIV. Provided always, that nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Court of Directors from offering such representations to the said Board of Commissioners, respecting persons so applying for permission to proceed to the East-Indies, as the said Court of Directors may at any time think fit.

Sections 33 and 34 can now only be applicable to those parts of India not opened to general access by 3 & 4 Wm. 4, cap. 85, sec. 81, or under the provision of section 83. On illicit entrance or residence, see sections 82 and 84 of that Act.

XXXV. Provided also, and be it further enacted, that all persons who shall proceed to the East-Indies, shall, upon their arrival at any place within the limits of the said United Company's Government, be subject to all such rules and regulations as now are, or hereafter may be, in force within those limits. (1)

All persons to be subject to the regulations of the local Governments.

(1) [*Vide* 3 & 4 Wm. 4, cap 85, sec. 43 to 46.]

XXXVI. Provided also, and be it further enacted, that if any person having obtained a certificate or licence from the said Court of Directors, authorizing such person to proceed to the East-Indies, shall at any time so conduct himself as in the judgment of the Governor-general, or Governor of the presidency within which such person shall be found, to have forfeited his claim to the countenance and protection of the government of such presidency, it shall and may be lawful for such Governor-general, or Governor, by order, to declare that the certificate or licence so obtained by such person, shall be void from a day to be named in such order; and from and after such a day so to be named in such order, such person shall be deemed and taken to be a person residing and being in the East-Indies without licence or authority for that purpose, and may be sent forthwith to the United Kingdom; any matter or thing whatsoever to the contrary notwithstanding: provided nevertheless, that no person whose certificate or licence shall have been so vacated by order of any of the governments of the said Company as aforesaid, shall be subject or liable to any prosecution for residing or being found in the East-Indies without licence or authority for that purpose, until two months after notice of such order shall have been given to such person, by delivery to such person of a copy thereof, or by leaving the same at the last place of abode of such person, or by publication of such order in the *Gazette* of the presidency where such order shall be made. (1)

Governments in India may declare certificates and licences to be void if it shall appear to them that the persons to whom granted have forfeited their claim to protection.

Persons not to be prosecuted for residing without a licence, until two months after notice.

(1) [This must be construed in connection with 3 & 4 Wm. 4, cap. 85, secs. 81, 82, 83, and 84.]

XXXVII. And be it further enacted, that it shall not be lawful for any of the governments of the said Company at their several presidencies, to licence or otherwise authorize the residence at any place or places within the limits of the said Company's governments of any subject of his Majesty, who shall go thereto after the tenth day of April one thousand eight hundred and fourteen, unless such person shall have been previously furnished with a licence or certificate from the Court of Directors of the said Company, or have otherwise been authorized by law to reside within the said limits: provided, nevertheless, that any Governor-general or Governor of any of the said presidencies, for extraordinary reasons to be entered upon the minutes of Council, may authorize by special licence the residence of any subject of his Majesty in any place or places under the government of such presidency, until the pleasure of the said Court of Directors shall be known in that behalf: and that such special licence shall be deemed and taken to be of the same force and effect as a licence of and from the said Court of Directors, until notice of the pleasure of the said Court to the contrary shall have

Governments in India not to sanction the residence of his Majesty's subjects without the authority of the Directors, except under special circumstances.

been given to such person, by delivery thereof to such person, or by leaving the same at his last place of abode, or by publication thereof in the *Gazette* of the presidency by which such special licence shall have been granted; provided that a copy of such licence, and of the reasons for granting the same, accompanied with an application for a licence from the said Court of Directors, shall be transmitted to the said Court of Directors forthwith after the granting thereof. (1)

(1) [See note on sec. 36.]

Sections 38 and 39 provided for the residence of persons with or without licence within certain limits; but they are superseded by the enactments of 3 & 4 Wm. 4, cap. 85, and cap. 93. The 40th and 41st sections, relating to the private trade within the limits of the Company's Charter, were repealed by 4 Geo. 4, cap. 80.

Colleges and seminaries abroad to be subject to the control of the Board.

XLII. And be it further enacted, that the said Board of Commissioners for the affairs of India, by force and virtue of this Act, shall have and be invested with full power and authority to superintend, direct, and control all orders and instructions whatsoever, which in anywise relate to or concern any rules, regulations, or establishments whatsoever, of the several colleges established by the said Company at Calcutta or Fort Saint George, or of any seminaries which may be established under the authority of any of the governments of the said Company, in the same manner, to all intents and purposes, and under and subject to all such and the like regulations and provisions, as if such orders and instructions immediately related to and concerned the government and revenues of the said territorial acquisitions in the East-Indies.

Provision for schools, public lectures, or other literary institutions, for the benefit of the natives, to be regulated by Governor-general in Council, subject to control of the Board; but appointments to offices therein to be made by the local Governments.

XLIII. And be it further enacted, that it shall be lawful for the Governor-general in Council to direct, that out of any surplus which may remain of the rents, revenues, and profits, arising from the said territorial acquisitions, after defraying the expenses of the military, civil, and commercial establishments, and paying the interest of the debt, in manner herein-after provided, a sum of not less than one lac of rupees in each year shall be set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India; and that any schools, public lectures, or other institutions, for the purposes aforesaid, which shall be founded at the presidencies of Fort William, Fort Saint George, or Bombay, or in any other parts of the British territories in India, in virtue of this Act, shall be governed by such regulations as may from time to time be made by the said Governor-general in Council; subject nevertheless to such powers as are herein vested in the said Board of Commissioners for the affairs of India, respecting colleges and seminaries: provided always, that all appointments to offices in such schools, lectureships, and other institutions, shall be made by or under the authority of the governments within which the same shall be situated.

College and military seminary in England to be continued; and the Directors, with the approbation of the Board, to make rules

XLIV. And whereas the said United Company have lately established, in England, a College for the appropriate education of young men designed for their civil service in India, and also a Military Seminary for the appropriate education of young men designed for their military service in India: and whereas it is expedient that the said College and Military

Seminary should be further continued and maintained, and that proper rules and regulations should be constituted and established by authority of law, for the good government of the said College and Military Seminary respectively; be it therefore enacted, that the said College and Military Seminary shall be continued and maintained by the said United Company during the further term hereby granted to the said Company; and that it shall and may be lawful for the said Court of Directors, and they are hereby required forthwith, after the passing of this Act, to frame such rules and regulations for the good government of the said College and Military Seminary respectively, as in their judgment shall appear best adapted to the purposes aforesaid; and to lay the same before the Board of Commissioners for the affairs of India, for their revisal and approbation, who shall thereupon proceed to consider the same, and shall and may make such alterations therein and additions thereto as they shall think fit; nevertheless, all such rules and regulations shall and may be subject to such future revision and alteration by the said Court of Directors, with the approbation of the said Board, as circumstances may from time to time require in that behalf; and all such rules and regulations, so framed, approved, revised, or altered, shall be deemed and taken to be good and valid in law, and shall be binding and effectual upon all persons, and in all matters belonging or relating to the said College and Military Seminary respectively; any law, Charter, or other matter or thing to the contrary notwithstanding: provided always, that nothing herein contained shall prevent the said Court of Directors from making such representation, with respect to any alterations in or additions to such rules and regulations which may be made by the said Board of Commissioners, as the said Court of Directors shall at any time think fit.(1)

and regulations for the same.

Directors may make representations respecting alterations or additions by the Board.

(1) [By 7 Wm. 4, and 1 Vic. cap. 70, the Board were to appoint examiners of candidates for admission to the College, when the fourfold system of nomination was suspended. By 1 & 2 Vic. cap. 22, the Board, without reference to such suspension, are empowered to make rules for the government of the College, which are to be submitted for her Majesty's approbation, to be signified by an Order in Council. Notice of such rules is to be given to the Court of Directors twenty-one days previously to their being submitted for the royal approbation.]

XLV. And be it further enacted, that from and after the passing of this Act, it shall and may be lawful for the Lord Bishop of London for the time being to have and exercise, and he is hereby authorized and empowered to have and exercise such visitatorial power and jurisdiction over all such persons, matters, and things belonging or relating to the said College, and in such manner as shall be appointed and established by the said rules and regulations of the said College in that behalf; any matter or thing whatsoever to the contrary notwithstanding.

Bishop of London to exercise visitatorial jurisdiction.

XLVI. And be it further enacted, that it shall not be lawful for the said Court of Directors to nominate, appoint, or send to the Presidencies of Fort William, Fort Saint George, or Bombay, any person in the capacity of a writer, unless such person shall have been duly entered at such College, and have resided there four terms, (1) according to the rules and regulations thereof; and shall also produce to the said Court of Directors, a certificate under the

No person to be appointed a writer, unless he shall have kept four terms at the College, and shall produce a certificate of conformity to the rules.

hand of the Principal of the said College, testifying that he has, for the space of four terms, been a member of, and duly conformed himself to the rules and regulations of the said College.

(1) [The 1 & 2 Vic. cap. 22, sec. 1, empowers the Board to make rules for the government of the College, and sec. 2 enacts that it shall be lawful for the Court of Directors to send out as writers persons who have resided the number of terms prescribed by such rules, and who shall produce the required certificate.]

Establishment of officers in the College and Military Seminary, to be subject to the control of the Board.

XLVII. And be it further enacted, that no order for the establishment of any office, or the appointment of any person to fill the situation of Principal at the said College, or Head Master of the Military Seminary, shall be valid or effectual, until the same shall have been approved by the said Board of Commissioners for the affairs of India. (1)

(1) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 108, to appointments of professors and teachers at the College.]

Principal and professors exempted from parochial residence.

XLVIII. And whereas for the due performance of the public duties of religion at the said College, as well as for the maintenance of sound learning and religious education, it is expedient that the principal and some of the professors of the said College should be clergymen of the established church: and whereas it may be expected, that among clergymen best qualified for such situations, from their character and attainments, some may be possessed of benefices in the church; be it enacted, that every spiritual person holding the situation of principal or professor in the said College, and actually performing the duties of the same, shall be and he is hereby exempted from residence on any benefice of which he may be possessed, in the same manner as the spiritual persons specified in an Act passed in the forty-third year of his present Majesty's reign, intituled, "An Act to amend the Laws relating to Spiritual Persons holding of Farms, and for enforcing the Residence of Spiritual Persons on their Benefices in England," are by the said Act exempted from residence on their respective benefices; any Act, matter, or thing, to the contrary notwithstanding. (1)

43 G. 3, c. 84.

(1) [This exemption is confirmed by 1 & 2 Vic. cap. 106, sec. 37, as to any spiritual person having been appointed principal or professor before the passing of that Act, and not having more than one benefice with cure of souls.]

If a bishop and three archdeacons shall be established in India by his Majesty's royal Letters Patent,

XLIX. And whereas no sufficient provision hath hitherto been made for the maintenance and support of a church establishment in the British territories in the East-Indies and other parts within the limits of the said Company's Charter, be it therefore enacted, that in case it shall please his Majesty, by his royal Letters Patent under the great seal of the said United Kingdom, to erect, found, and constitute, one bishopric for the whole of the said British territories in the East-Indies, and parts aforesaid; one archdeaconry for the presidency of Fort William in Bengal; one archdeaconry for the presidency of Fort Saint George on the coast of Coromandel; and one archdeaconry for the presidency and island of Bombay, on the coast of Malabar; and from time to time to nominate and appoint a bishop and arch-

deacons to such bishopric and archdeaconries respectively; the Court of Directors of the said Company, during such time as the said territorial acquisitions shall remain in the possession of the said Company, shall, and they are hereby required to direct and cause to be paid, certain established salaries to such bishops and archdeacons respectively; that is to say, from and out of the revenues of the said presidency of Fort William in Bengal to the said bishop, five thousand pounds by the year, at an exchange of two shillings for the Bengal current rupee; and to the said archdeacon of the said presidency of Fort William, two thousand pounds by the year, at the like exchange; and from and out of the revenues of the presidency of Fort Saint George, on the coast of Coromandel, to the archdeacon of the said presidency of Fort Saint George, two thousand pounds by the year, at an exchange of eight shillings for the pagoda at Madras; and from and out of the revenues of the presidency and island of Bombay, on the coast of Malabar, to the archdeacon of the said presidency and island of Bombay, two thousand pounds by the year, at an exchange of two shillings and three-pence for the Bombay rupee. (1)

their salaries to be paid by the Company.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 101, no archdeacon thereafter appointed is to receive, in respect of his archdeaconry, any salary exceeding 3,000 sicca rupees per annum.]

L. And be it further enacted, that the said salaries shall take place and commence from and after the time at which such persons as shall be appointed to the said offices respectively shall take upon them the execution of their respective offices; and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever, shall be accepted, received, or taken, in any manner or on any account or pretence whatsoever, other than the salaries aforesaid: and that such bishop and archdeacons respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the East-Indies or parts aforesaid, and no longer.

Salaries to commence on taking office, and to cease when functions cease.

LI. Provided always, and be it further enacted, that such bishop shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the East-Indies or elsewhere, but only such jurisdiction (1) and functions as shall or may from time to time be limited to him by his Majesty by Letters Patent under the great seal of the United Kingdom.

Bishop to have no jurisdiction or functions, except such as may be limited by Letters Patent.

(1) [See 3 & 4 Wm. 4, cap. 85, sec. 93 & 94.]

LII. And be it further enacted, that it shall and may be lawful for his Majesty, from time to time, if he shall think fit, by his Letters Patent under the great seal of the said United Kingdom, to grant to such bishop, so to be nominated and appointed as aforesaid, such ecclesiastical jurisdiction, and the exercise of such episcopal functions, within the East-Indies and parts aforesaid, as his Majesty shall think necessary for the administering holy ceremonies, and for the superintendence and good government of the ministers of the church establishment within the East-Indies and parts aforesaid; any law, Charter, or other matter or thing to the contrary notwithstanding.

His Majesty may grant to the bishop by Letters Patent, such ecclesiastical jurisdiction as he may think necessary.

LIII. And be it further enacted, that when and as often as it shall please his Majesty to issue any Letters Patent respecting any such bishopric or archdeaconry as aforesaid, or for

Warrant for Letters Patent to be countersigned by the President of the Board.

the nomination or appointment of any person thereto, the warrant for the bill in every such case shall be countersigned by the President of the Board of Commissioners for the affairs of India.

The 54th section, relating to pensions to be granted to the bishop and archdeacons after a certain period of residence, is repealed by 4 Geo. 4, cap. 71, sec. 2. Sections 55 to 60 relate to the appropriation of the funds of the Company, and are superseded by 3 & 4 Wm. 4, cap. 85, sec. 17.

So much of 33 G. 3, c. 52, as relates to the payment of a sum into the Exchequer, the recovery thereof, or to the payment into the Bank, repealed.

26 G. 3, c. 31.

LXI. And be it further enacted, that so much of the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, as relates to the payment of a sum, not exceeding five hundred thousand pounds in every year, into the receipt of his Majesty's Exchequer, to be applied as Parliament shall direct, or to the recovery from the said United Company, or their successors, by action or otherwise, of such money, in case of failure of the said United Company or their successors, in any payment thereof, or to the payment into the Bank of England, of money to be placed to the account of the Commissioners appointed by the Act passed in the twenty-sixth year of his Majesty's reign, intituled, "An Act for vesting certain Sums in Commissioners at the End of every Quarter of a Year, to be by them applied in reduction of the National Debt," or to an account to be raised and kept by the Governor and Company of the Bank of England, to be intituled, "The Account of the Guarantee Fund of the United Company of Merchants of England trading to the East-Indies," or to the said guarantee fund, or to an account to be made by the said Governor and Company of the Bank of England, of or relating thereto, shall be and the same is hereby repealed.

Section 62 has reference to the payment of a dividend on the Company's capital stock, and is no longer in force. For the existing provisions relating to the dividend, see 3 & 4 Wm. 4, cap. 85, sec. 11.

37 G. 3, c. 31, s. 9, repealed.

LXIII. And be it further enacted, that so much of the said Act of the thirty-seventh year of his present Majesty, as directs that the said dividend of ten shillings per centum per annum upon the increased stock, to be raised by virtue of the said last-mentioned Act, shall be paid out of the annual profits of the said Company, shall be, and the same is hereby repealed.

Sections 64 and 65 prescribe a separation of accounts in reference to the now obsolete distinction between territory and commerce.

Copies of regulations abroad, made under 37 G. 3, c. 112; 39 & 40 G. 3, c. 79; and 47 G. 3, sess. 2, c. 68; to be laid annually with accounts before Parliament.

LXVI. And be it further enacted, that from and after the passing of this Act, the said Court of Directors shall annually lay before both Houses of Parliament, together with the accounts directed by the said Act of the Parliament of Great Britain of the thirty-third year of his Majesty's reign, and by this Act, to be laid before the said Houses by the said Court one copy of all the regulations made by their several governments in India, and transmitted to them under and in pursuance of an Act made in the thirty-seventh year of

his Majesty's reign, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India;" and also of a certain other Act, made in the thirty-ninth and fortieth year of his said Majesty, intituled, "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same;" and also of a certain other Act, made in the forty-seventh year of his Majesty's reign, intituled, "An Act for the better Government of the Settlements of Fort Saint George and Bombay, for the Regulation of Public Banks; and for amending so much of an Act, passed in the thirty-third year of his present Majesty, as relates to the periods at which the Civil Servants of the East-India Company may be employed in their Service abroad." (1)

(1) [By 3 & 4 Wm. 4, cap. 85, the Government of India alone has the power of legislation. The enactment contained in this section is substantially continued by 3 and 4 Wm. 4, cap. 85, sec. 51.]

The 67th section refers to arrangements connected with the distinction, no longer existing, between territory and commerce. The object of the 68th, 69th, and 70th, was to give the Board information and power of control in cases of mixed territorial and commercial transactions. Such transactions can no longer occur, and the controlling power of the Board is now general.

Instead of being limited to fourteen days, Board to return proposed despatches within two months.

33 G. 3, c. 52.

LXXI. And whereas it is provided by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, that copies of all orders and instructions which the Court of Directors or any Committee of the Court of Directors of the said Company shall propose to be sent to India, shall be by them previously laid before the said Board, and that within the space of fourteen days after the receipt of such proposed despatches, the said Board shall return the same to the said Court of Directors or Committee of Directors, in the manner directed by the said Act: and whereas the said limitation of fourteen days for the return of such proposed despatches may be found inconvenient: be it therefore enacted, that so much of the said Act of the thirty-third year of his present Majesty, as requires such proposed despatches to be returned by the said Board within fourteen days, shall be, and the same is hereby repealed; and that from and after the passing of this Act, it shall be sufficient for the said Board to return all such proposed despatches to the said Court of Directors, or Committee of the said Court of Directors, and the said Board is hereby required to return the same, with all reasonable dispatch, not exceeding two months. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 30.]

Proceedings Board may be signed by the Chief or Assistant Secretary.

LXXII. And whereas it is required by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, that various proceedings of the said Board of Commissioners should be signed by the Chief Secretary to the said Board; be it enacted, that from and after the passing of this Act, all proceedings of the said Board, to which the

signature of the said Chief Secretary is now by law required, may be signed either by such Chief Secretary, or by the Assistant Secretary to the said Board; any Act, matter, or thing to the contrary notwithstanding. (1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 30, the communications of the Board of Commissioners are to be signed by one of the two secretaries which by section 23 they are authorized to appoint.]

Secret Committee not to disclose despatches sent from the Presidencies relative to war, peace, or negotiations, until authorized by the Board of Commissioners.

LXXIII. And be it further enacted, that from and after the passing of this Act, where any of the governments or presidencies in the East-Indies or parts aforesaid, shall, under the provisions of the said first-mentioned Act of the thirty-third year of his present Majesty, address any despatches to the Secret Committee of Directors of the said United Company, for the inspection of such Committee, the said Secret Committee of Directors shall not disclose or make known the contents of any such despatches which relate to the levying of war or the making of peace, or treating or negotiating with any of the native princes or states of the East-Indies, or other parts within the limits of the said Company's Charter, until they shall be authorized by the Board of Commissioners for the affairs of India so to do.

Secret Committee to take the following instead of former oath.

LXXIV. And be it further enacted, that instead of the oath by the said Act of the Parliament of Great Britain, of the thirty-third year of his present Majesty, required to be taken by the several Directors who shall from time to time be appointed a Secret Committee, they shall take an oath of the tenor following; (1) that is to say,

"I, *A. B.*, do swear, that I will, according to the best of my skill and judgment, "faithfully execute the several trusts and powers reposed in me as a member of the "Secret Committee, appointed by the Court of Directors of the United Company of "Merchants of England trading to the East-Indies; I will not disclose or make known "any of the secret orders or instructions which shall be given, communicated, or trans-"mitted to the said Committee by the Commissioners for the affairs of India, nor any "despatches communicated or transmitted to the said Committee by any of the Govern-"ments or Presidencies in India, which relate to the levying of war or the making of "peace, or treating or negotiating with any of the native princes or states of the East-"Indies, or other parts within the limits of the said Company's Charter, save only to the "other members of the said Secret Committee, or to the person or persons who shall be "duly nominated and employed in transcribing or preparing the same respectively, un-"less I shall be authorized by the said Commissioners to disclose and make known the "same. "So help me God."

(1) [In connexion with this section, see 3 & 4 Wm. 4, cap. 85, sec. 35.]

New oath of secrecy to by taken by persons employed in preparing or transcribing secret despatches.

LXXV. And be it further enacted, that the Secretary of the said Court of Directors, or the Examiner of Indian Correspondence, or any other person employed by the Secret Committee, in preparing or transcribing any secret despatches, orders, or instructions, required to be transmitted by them to India, under the direction of the said Act of Parliament of Great Britain, of the thirty-third year of his Majesty's reign, or any secret despatches received from the governments or presidencies in the East-Indies or parts aforesaid, shall, before they respectively enter upon that duty, take and subscribe, before any of the members of the said Secret Committee, an oath of secrecy, as near unto the tenor and form of the

oath herein-before provided and directed to be taken by the members of the said Secret Committee, as the case will admit, in such manner as by the same Act of the thirty-third year of his present Majesty is required in regard to the oath thereby directed to be taken by persons employed in preparing and transcribing secret despatches intended to be sent to India.

LXXVI. And be it further enacted, that in the oath prescribed to be taken by the Directors of the said Company, after their election, by the said Act of Parliament of Great Britain, of the thirty-third year of his Majesty's reign, the year and title of this Act shall be inserted, instead of the year and title of the said Act of the thirty-third of his Majesty's reign.

Title of this Act to be inserted in the Director's oath.

LXXVII. And whereas by the Charter of incorporation of the said United Company, granted under the authority of an Act passed in the ninth and tenth year of the reign of his late Majesty King William the Third, intituled, "An Act for raising a Sum not exceeding two millions, upon a Fund for Payment of Annuities, after the Rate of Eight Pounds per Centum per Annum, and for settling the Trade to the East-Indies," it is ordered and appointed, that in all cases where there shall be an equality or equal number of votes in any General Court, or in any Court of Directors to be holden as aforesaid, the matter shall be determined by lots, which the treasurer for the said Company shall cause to be prepared and drawn for that purpose: and whereas it is expedient that such mode of decision should be no longer continued; be it therefore enacted, that from and after the passing of this Act, no question in any such General Court, or Court of Directors, shall be carried otherwise than by a majority of votes; and in all cases of an equality of votes upon any question put in any such General Court or Court of Directors, such equality shall be deemed and taken to operate as a rejection of the motion or proposition on which such question shall have been so put: provided always, that nothing herein contained shall extend, or be construed to extend, to cases of election of any person to any office or place where there shall be more than one candidate for such office or place, but that in all such cases where there shall be an equality of votes, in favour of any two or more candidates, such election may be determined by lot, in manner directed by the said Charter; any thing herein-contained to the contrary notwithstanding.

In cases of equality of votes in General Courts or Courts of Directors, the questions to be considered as rejected, except in cases of two or more candidates for office, which are still to be determined by lot.

LXXVIII. And be it further enacted, that from and after the passing of this Act, the Commissioners for the affairs of India, or any of the officers of the Board of Commissioners for the affairs of India, by the order and authority of the said Board, shall not only have free access to the books, papers, letters of correspondence, evidences, and other records of the said Company, and be assisted in their searches for the same, and furnished with copies or extracts, in the manner prescribed by the said Act of the Parliament of Great Britain of the thirty-third year of his Majesty's reign, but shall and may call for, and direct to be prepared, all such accounts, statements, and abstracts, relating to the affairs of the said Company as the said Board shall think fit; and the said Court of Directors shall, with all reasonable dispatch, cause to be prepared and transmitted to the said Board all such accounts, statements, and abstracts, as the said Board shall so direct to be prepared.

Board may require accounts, abstracts, and statements to be prepared by the Directors.

33 G. 3. c. 52.

LXXIX. And whereas by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, it is enacted, that the several orders and proceedings of the Presidencies of Fort William, Fort St. George, and Bombay, should previously to their being published and put into execution, be signed by the chief secretary to the Council of the presidency, by the authority of the Governor-general in Council or Governors in Council.

Proceedings at the Presidencies to be signed by the principal secretary of the department, in the absence of the chief secretary.

33 G. 3, c. 52. as the case may be; and whereas inconvenience may arise to the public service, unless some other person, besides such chief secretary, be authorized to sign such orders and proceedings; be it therefore further enacted, that all such orders and proceedings of the several governments and presidencies in the East-Indies, and parts aforesaid, shall or may previously to their being published or put in execution, be signed in manner aforesaid, either by the chief secretary to the government of the said presidency, or in the absence of such chief secretary, by the principal secretary of the department of such presidency to which such orders and proceedings relate; anything to the contrary notwithstanding. (1)

(1) [*Vide* Acts of Government of India, No. 2 of 1834, in Appendix.]

Vacancies of Governors, and Commanders-in-chief, to be filled up by the Court of Directors, subject to his Majesty's approbation.

LXXX. And be it further enacted, that from and after the passing of this Act, all vacancies which shall happen in the office of Governor-general of Fort William, or of Governor of either of the Company's presidencies or settlements of Fort Saint George, or Bombay, or of Governor of the forts and garrisons of Fort William, Fort Saint George, or Bombay, or of Commander-in-chief of all the forces in India, or of any provincial Commander-in-chief of the forces there, shall be filled up and supplied by the Court of Directors of the said United Company; subject nevertheless to the approbation of his Majesty, to be signified in writing under his royal sign manual, countersigned by the President of the Board of Commissioners for the affairs of India: provided always that nothing herein contained shall extend, or be construed to extend, to take away or affect the power of the said Court of Directors, to remove or recall any such Governor-general, Governor, or Commander-in-chief; but the said Court shall and may at all times have full liberty to remove, recall, and dismiss any such Governor-general, Governor, or Commander-in-chief, at their will and pleasure, in the like manner as if this Act had not been made. (1)

Not to affect the right of Directors to recall.

(1) [*Vide* 3 and 4 Wm. 4, cap. 85, secs. 42, 58, and 75. By sec. 58 of that Act the power of the Court is extended to the newly constituted Government of Agra; but by 5 & 6 Wm. 4, cap. 52, authority was given to suspend the creation of that government, and it has accordingly been suspended.]

Vacancies in India (with exceptions) not to be supplied by the Directors without the approbation of the Board.

LXXXI. And be it further enacted, that from and after the passing of this Act it shall not be lawful for the said Court of Directors, either provisionally or otherwise, to nominate or appoint any person to succeed to any office or employment in the civil or military establishments of the said Company in the East-Indies, or parts aforesaid, without the approbation of the said Board of Commissioners, other than and except as aforesaid: provided always, that nothing herein contained shall prevent or hinder the said Court of Directors from nominating or appointing absolutely or provisionally such persons as they may think fit to the offices of member of council, general officer on the staff, advocate and attorney-general, attorney at law of the said Company, or chaplain at the several presidencies or settlements, or to any offices or employments in the civil or marine establishments of the said Company, which may be and usually have been supplied by persons not having been covenanted servants of the said Company previously to their nominations or appointments, nor to prevent the said Court of Directors from nominating or appointing writers, cadets, or assistant surgeons, in such manner as they have heretofore been used or accustomed to do.

LXXXII. And whereas a strict adherence to the provisions contained in the said Act made in the thirty-third year of his present Majesty's reign, in respect to the filling up and supplying vacancies in the civil service of the said Company has been found impracticable, without detriment to the public service, or injury to the just claims and meritorious exertions of individuals; and whereas a modification of the said Act has been in part adopted in the Act of the forty-seventh of his present Majesty, relative to the scholars educated at Hertford College: (1) be it therefore enacted, that from and after the passing of this Act, any office, place, or employment, the salary and perquisites whereof shall exceed the sum of fifteen hundred pounds, may be granted to and conferred upon the said servants who shall have been actually resident in India in the said Company's service for the space of four years at the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed the sum of three thousand pounds per annum, such office may be conferred upon any of the said servants who shall have been actually resident in India seven years at least in the whole; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed four thousand pounds per annum, such office, including that of the Council, may be granted to or conferred upon any of the said servants who shall have been actually resident in India in the Company's service for the space of ten years at the least in the whole. (2)

Provisions of 33 G. 3, c. 52; respecting the periods of service necessary for qualification of civil officers modified, *viz.* places of more than £1,500 per annum may be given after four years' service in India: places of more than £3,000 per annum after seven years: and places of more than £4,000 per annum (including the Council) after ten years.

(1) [Further modification in 10 Geo. 4, cap. 16, sec. 2.]

(2) [See, as to Members of the Council of India, 3 & 4 Wm. 4, cap. 85, sec. 40.]

LXXXIII. And whereas by a certain Act, made in the fifty-first year of his Majesty's reign, intituled, "An Act for making further Provision for the Payment of Salaries, and other Charges in the office of the Commissioners for the Affairs of India; and for enabling the East-India Company to restore to the service of the said Company military officers removed therefrom by Sentences of Courts Martial; and to authorize the said Company, in cases of unforeseen Emergency, to take up Ships by private Contract;" it was declared and enacted, that it was lawful for the Court of Directors of the said United Company, to restore to the service of the said Company any military officer who should have been or should be dismissed or suspended therefrom by the sentence of a court-martial, provided that no such restoration should be in anyways valid or effectual, without the approbation and consent of the Board of Commissioners for the affairs of India, for that purpose had and obtained: and whereas it is expedient that the restoration by the said Court of Directors to the service of the said Company, of such of the said Company's servants, civil and military, as shall be suspended by the authority of any of the governments or presidencies of the said Company in India, and also that the restoration to their former stations of officers civil and military, removed by the like authority, should be subject to the like approbation and consent of the said Board of Commissioners; be it therefore further enacted, that from and after the passing of this Act no restoration by the said Court of Directors, to the service of the said Company, of any servant of the said Company, civil or military, who shall have been suspended by the authority of any of the said Company's governments or presidencies in the East-Indies, or parts aforesaid; and no restoration by the said Court of Directors to his station, office, or employment in the service of the said Company of any officer of the said Company, civil or military, who shall have been removed therefrom by the like authority, shall be valid or effectual, without the approbation and consent of the said Board of Commissioners, for that purpose first had and obtained.

Restoration of servants, civil and military, suspended or removed by the Governments abroad, not to be valid without consent of the Board. 51 G. 3, c. 75.

Certain officers may return to India, after five years' absence, with consent of the Directors and the Board, though their absence may not have been occasioned by sickness, infirmity, or inevitable accident.

LXXXIV. And whereas by the said Act of Parliament of Great Britain, of the thirty-third year of his Majesty's reign, it is enacted, that no person who shall hold a military station in the service of the said Company, being under the rank of Commander-in-chief of the forces, and who having departed from India by leave of the Governor-general in Council, or Governor in Council, shall not return to India within five years next after such departure, shall be entitled to any rank, or be capable of again serving in India, either in the European or native corps of troops, unless it shall be proved to the satisfaction of the said Court of Directors, and the Board of Commissioners for the affairs of India, that such absence was occasioned by sickness or infirmity, or some inevitable accident: and whereas inconvenience to the military service of the said Company has been found to arise, in certain cases from the said provision; be it therefore enacted, that it shall and may be lawful for the said Court of Directors, with the approbation of the said Board of Commissioners, to permit any military officer, being of the rank of a general officer or colonel commanding a regiment, or being a lieutenant-colonel commandant of a regiment, who, having departed from India with such leave as aforesaid, shall not have returned to India within five years from the time of such departure, to have his rank and to be capable of again serving in India, although such absence may not have been occasioned by sickness or infirmity, or any inevitable accident, any thing in the said Act contained to the contrary notwithstanding.

Restored civil servants to take precedence according to their seniority at the time of their departure from India.

LXXXV. And be it further enacted, that when and as often as any person having held any civil station in India, in the service of the said Company, and having departed from India by leave of the Governor-general in Council, or Governor in Council, shall be restored to the said Company's service, after an absence of five years from the time of such departure, such person from and after such restoration, shall take rank and precedence only according to the time he shall have passed in the service of the said Company at the period of his departure from India; and on his return to India, if any other civil servant or servants at the settlement to which he shall belong, shall have then passed a greater or the like length of time in the service of the said Company, as the person so restored had passed when he left India, the person so restored shall be placed and take rank immediately below such other civil servant or servants; any matter or thing to the contrary notwithstanding.

Servants of the Company may be appointed to Boards, Courts, or other official establishments, though they do not take precedence according to seniority of services.

LXXXVI. And whereas by the said Act of the Parliament of Great Britain, of the thirty-third year of his present Majesty's reign, it is enacted, that all the civil servants of the said United Company in India, under the rank or degree of Member of Council, shall have and be entitled to precedence in the service of the said Company, at their respective stations, according to the seniority of their appointment: and whereas the several governments of the said Company are often prevented from appointing meritorious servants of the said Company to be members of courts, boards, and other official establishments, where offices or employments are exercised by several servants of the said Company collectively, lest by such appointment one or more members of such court, board, or other establishment should be superseded; be it therefore enacted, that it shall and may be lawful for any Governor-general or Governor in Council of the said Company, if he shall think proper, upon application in writing for that purpose by any civil servant of the said Company desirous of being appointed a member of any such court, board, or other establishment, by special order to direct that such servant of the said Company, on being appointed to any office or employment in any such court, board, or other establishment, shall take precedence at or in such court, board, or other establishment, according to the seniority of his appointment as a member of such court, board, or other establishment, although such civil servant in respect of whom such order shall be made may

thereby not take precedence at or in such court, board, or other establishment, according to the seniority of his appointment to the service of the said Company; and such civil servant shall thereupon take precedence at such court, board, or other establishment accordingly, the said Act or any other matter or thing to the contrary notwithstanding.

LXXXVII. And whereas it is expedient, in the present circumstances, that the number of his Majesty's forces, for which payment should be made out of the revenues arising from the British territories and possessions in the East-Indies should be ascertained and fixed, be it therefore enacted, that it shall not be lawful for the Commissioners for the affairs of India to give or approve orders or directions, that there shall be paid, defrayed and allowed, out of the revenues arising from the said territories and possessions, in respect of his Majesty's forces sent or to be sent to the East-Indies or parts aforesaid, for the security of the said territories and possessions, any sum or sums of money, in respect of any greater number of his Majesty's forces, than shall amount in the whole to twenty thousand men, including the commissioned and non-commissioned officers; unless any greater number of his Majesty's forces shall be sent to the East-Indies or parts aforesaid, on the requisition of the said Court of Directors; in which last case it shall and may be lawful for the said Commissioners to give and approve such orders and directions, for paying, allowing, and defraying such sums aforesaid, in respect to such additional forces of his Majesty so to be sent on the requisition of the said Company. (1)

Payment for King's troops by the Company not to exceed 20,000 men, unless greater number sent on their requisition.

(1) [*Vide* note on 28 Geo. 3, cap. 8. sec. 2.]

LXXXVIII. And whereas by the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, it was enacted, that no grant or resolution of the said Company, or their Court of Directors, to be made after the passing of that Act, and during the continuance of their right in the exclusive trade thereby granted, whereby the funds of the said Company might become chargeable with any new salary, or increase of salary, or any new or additional establishment of officers or servants, or any new pension or increase of pension, to any one person, exceeding two hundred pounds per annum, should be available in law, unless such grant or resolution should be approved and confirmed by the Board of Commissioners for the affairs of India, attested under the hand of the President of the said Board: and whereas, for further protecting the funds of the said Company, during the continuance of the further term hereby granted to the said Company, it is expedient that the said Company should be put under reasonable limitations, in respect to the granting of gratuities; be it therefore further enacted, that from and after the passing of this Act it shall not be lawful for the said Court of Directors to charge the funds of the said Company with the payment of any gratuity to any officer, civil or military, or other person, exceeding the sum of six hundred pounds, unless the grant or resolution for that purpose shall have been sanctioned by the Court of Proprietors, and approved and confirmed by the Board of Commissioners for the affairs of India; and that copies of all warrants or instruments granting any salary, pension, or gratuity, shall be submitted to both Houses of Parliament, within one month after such grant, if Parliament shall be then sitting, or if not, within one month after their then next meeting. (1)

No gratuity above £600 to be good, unless confirmed by the Board.
33 G. 3. c. 52.

Copies of grants of annuities to be laid before Parliament.

(1) [The 55 Geo. 3, cap. 64, was passed to explain and amend this section. That Act precludes the Company, or Court of Directors with the sanction of the Court of Proprietors, from charging their funds

with any gratuity without the approval and confirmation of the Board. The 3 & 4 Wm. 4, cap. 85. sec. 25, subjects all grants and payments of money to the control of the Board, with the exception, under section 37, of the details of the home establishment.]

LXXXIX. And whereas by a certain Act, passed in the thirteenth year of his present Majesty's reign, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," it is enacted, that the salaries of the Governor-general and Council of Fort William, and of the Chief Justice and Judges of the Supreme Court of Judicature at Fort William in Bengal, shall take place and commence, in respect to all such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such persons shall embark from Great Britain; and that the salaries of all such persons who shall at the time of their appointment be resident in India, shall commence from and after their respectively taking upon them the execution of their offices: and whereas by an Act passed in the fortieth year of his Majesty's reign, intituled, "An Act for establishing further regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," a similar provision is made in respect to the salaries of the Chief Justice and Judges of the Supreme Court of Judicature at Madras: and whereas by an Act passed in the thirty-seventh year of his Majesty's reign, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India," a similar provision is made in respect to the salary of the Recorder of the Court of Judicature at Bombay: and whereas no such provision has been made respecting the commencement of the salaries of the Governor or Council of Fort Saint George, or of the Governor or Council of the town and island of Bombay, or of the Governor of Prince of Wales' Island, or of the Recorder there: and whereas it is expedient that a general and moderate provision should be made in respect of all the said officers and of others who may happen to be in the United Kingdom at the time of their appointments; be it therefore further enacted, that so much of the said Acts of the thirteenth, thirty-seventh, and fortieth years of his Majesty's reign, as relates to the commencement of salaries, shall be and the same is hereby repealed: and that from and after the passing of this Act, the salaries of the several officers herein-before mentioned shall commence from and after their respectively taking upon them the execution of their offices; and the said Court of Directors shall and they are hereby required to pay and advance to all and singular the officers and persons herein-after mentioned, who shall be resident in the United Kingdom at the time of their respective appointments, for the purpose of defraying the expences of their equipments and voyage, such sums of money as are set against the names of such officers and persons respectively, that is to say,

13 G. 3, c. 63.

For repealing parts of Acts respecting the commencement of certain salaries, and directing the commencement thereof, and for payment of passage money to certain officers.

39 & 40 G. 3. c. 79.

37 G. 3, c. 142.

To the Governor-general of Fort William, in Bengal (1) ...	Five thousand pounds:
To each of the Members of Council there (2) ...	One thousand two hundred pounds:
To the Commander-in-chief of all the forces in India	Two thousand five hundred pounds:
To the Chief Justice of the Supreme Court at Fort William	One thousand five hundred pounds:
To each of the Puisne Judges there	One thousand pounds:
To the Governor of Fort Saint George (3) ...	(*Varied by* 3 & 4 Wm. 4, cap. 85)
To each of the Members of Council there	One thousand pounds:
To the Commander-in-chief there	Two thousand pounds:

To the Chief Justice of the Supreme Court there	One thousand two hundred pounds:
To each of the Puisne Judges there	One thousand pounds:
To the Governor of Bombay (4)	Two thousand five hundred pounds:
To each of the Members of Council there	One thousand pounds:
To the Commander-in-chief there	One thousand five hundred pounds:
To the Recorder there (5)	(*See note*)
To the Governor of Prince of Wales' Island ...	One thousand two hundred pounds:
To the Recorder there	One thousand pounds:
To the Bishop (6)	One thousand two hundred pounds:
To each of the Archdeacons	Five hundred pounds.

(1) [Re-enacted, as to the Governor-general of India, by 3 & 4 Wm. 4, cap. 85, sec. 76.]

(2) [Extended to Members of the Council of India, by Act and section quoted above.]

(3) [By 3 & 4 Wm. 4, cap. 85, sec. 76, reduced to two thousand five hundred pounds.]

(4) [Re-enacted by 3 & 4 Wm. 4, cap. 85, sec. 76.]

(5) [There is no longer a Recorder of Bombay; a Supreme Court having been erected by 4 Geo. 4, cap. 71. By that Act (sec. 12) the allowance for passage-money to a Chief Justice is fixed at one thousand two hundred pounds; and that to a Puisne Judge, at one thousand pounds.]

(6) [This allowance is for the Bishop of Calcutta. The 3 & 4 Wm. 4, cap. 85, authorized the erection of two new sees, Madras and Bombay; and the allowance to the Bishops of those sees for passage-money is fixed, by section 91 of that act, at five hundred pounds.]

Additional provision for the salaries and charges of the Board of Control.

XC. And whereas by an Act passed in the fifty-first year of his Majesty's reign, intituled, "An Act for making further Provision for the payment of Salaries and other Charges in the Office of the Commissioners for the Affairs of India, and for enabling the East-India Company to restore to the service of the said Company Military Officers removed therefrom by sentence of Courts Martial, and to authorize the said Company, in cases of unforeseen emergency, to take up ships by Private Contract," it is enacted that the whole of the salaries to be paid to the members of the said Board of Commissioners for the affairs of India, and to the secretaries and officers of the same, together with all other contingent charges and expenses of the said Board to be defrayed by the said United Company, should not exceed the sum of twenty-two thousand pounds in any one year: and whereas it is necessary that an addition should be made to the said sum, for the purpose of further remunerating the services of the secretaries and officers of the said Board: be it therefore enacted, that so much of the said Act as limits the sum to be defrayed by the said Company on account of the said Board, to the sum of twenty-two thousand pounds in any one year, shall be, and the same is hereby repealed; and

that from and after the passing of this Act, the sum to be defrayed by the said Company, on account of the said Board, shall not exceed the sum of twenty-six thousand pounds in any one year;(1) and that the same shall be deemed and taken as a part of the political charges of the said Company.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 6, the Board are empowered to make a temporary increase upon the sum above-named for the payment of such additional officers as might be necessary during the winding-up of the commercial concerns of the Company; but section 110 prohibits any permanent increase.]

His Majesty empowered to grant superannuations to the officers of the Board of Control.

XCI. And whereas it is reasonable that his Majesty, his heirs or successors, should have power to grant allowances, compensations, remunerations, or superannuations, to the secretaries and other officers of the said Board, under the conditions herein-after provided; be it therefore enacted, that it shall and may be lawful to and for his Majesty, his heirs or successors, by any warrant or warrants, under his or their sign manual, countersigned by the Chancellor of the Exchequer for the time being, to grant or allow to any of the secretaries or officers for the time being belonging to the said Board, such allowances, compensations, remunerations, or superannuations, as his Majesty, his heirs or successors, shall think proper; under and subject nevertheless to such or the like conditions, and in such or the like proportions, as allowances, compensations, remunerations, or superannuations, may now be made to public officers by virtue of an Act passed in the fiftieth year of his present Majesty's reign, intituled, "An Act to direct that Accounts of increase and diminution of Public Salaries, Pensions, and Allowances shall be annually laid before Parliament, and to regulate and control the granting and paying of such Salaries, Pensions, and Allowances;" and that the same shall be paid and defrayed quarterly by the said Company, and be deemed and taken as part of their political charges.

50 G. 3, c. 117.

Previous service to be taken into account for officers of the Board.

XCII. Provided always, that where any officer or servant of the said Board shall have been in the service of the said Company, previously to his employment under the authority of the said Board, the time of such service under the said Company shall be taken into account, in computing the number of years service under the said Board.

Court of Directors empowered to grant superannuations to Company's servants in England.

XCIII. And whereas it is reasonable that the said Court of Directors should have power to grant allowances in the nature of superannuations, to such of their officers and servants in England as from age or infirmity may no longer be qualified for the execution of their several offices or employments; be it therefore enacted, that it shall and may be lawful to and for the said Court of Directors, to make allowances, compensations, remunerations, or superannuations, to the officers and servants of the said Company in England; subject to the restrictions and according to the conditions and proportions following; (that is to say), where it shall be proved to the satisfaction of the said Court of Directors, that any such officer or servant, being under sixty years of age, shall be incapable, from infirmity of mind or body, to discharge the duties of his office, in such case, if he shall have served with diligence and fidelity in the service of the said Company for ten years, it shall and may be lawful to grant him by way of superannuation, any annual sum not exceeding one-third of the salary and allowed emoluments of his office: if above ten years and less than twenty, any such sum not exceeding one half of such salary and allowed emoluments: if above twenty years, any such

sum not exceeding two-thirds of such salary and allowed emoluments: if such officer or servant shall be above sixty years of age, and he shall have served fifteen years or upwards, it shall and may be lawful, without proof of infirmity of mind or body, to grant him, by way of superannuation, any annual sum not exceeding two-thirds of the salary and allowed emoluments of his office: if sixty-five years of age or upwards, and he shall have served forty years or upwards, any such sum not exceeding three-fourths of such salary and allowed emoluments: if sixty-five years of age or upwards, and he shall have served fifty years or upwards, any such sum not exceeding the whole of such salary and allowed emoluments: all which allowances so to be made shall be charged in the books of account of the said Company to the debit of that branch of the Company's affairs (1) to which the said officers or servants may respectively belong; anything in the said Act of the thirty-third year of his Majesty's reign to the contrary notwithstanding.

(1) [This refers to the distinction between territory and commerce, which no longer exists. The 3 & 4 Wm. 4, cap. 85, made special provision in section 7, for compensation to servants, their widows, or children, whose interests were affected by the discontinuance of the Company's trade.]

Account of superannuations to be laid before Parliament.

XCIV. Provided always, and be it further enacted, that an account of all allowances, compensations, remunerations, and superannuations, which shall be granted, either to the officers or servants of the said Board of Commissioners, or to the officers or servants of the said Company, as aforesaid, during the preceding year, shall be laid before Parliament within fifteen days after the next meeting thereof.

Act not to prejudice the King's sovereignty, or affect rights of the Company.

XCV. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prejudice or affect the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the said territorial acquisitions, nor to preclude the said United Company, after the determination of the term hereby granted, from the enjoyment of, or claim to, any rights, franchises, or immunities which they now have, or to which they may hereafter be entitled.

The Governments in India empowered to make laws, regulations, and articles of war, for the native troops; and to hold courts martial.

XCVI. And whereas doubts have been entertained whether the several governments of the said Company have sufficient power in all cases to make laws and regulations and articles of war, for the order and discipline of officers and soldiers, being natives of the East-Indies, or other places within the limits of the said Company's Charter, in the service of the said Company, and for the administration of justice by courts martial to be holden upon such officers and soldiers; and it is expedient that such doubts should be removed: be it therefore enacted and declared, that the several governments of Fort William, Fort Saint George, and Bombay, (1) have and shall, during the continuance of the term hereby granted to the said Company, be deemed and taken to have full power and authority to make all such laws and regulations and articles of war, as they may think fit, for the order and discipline of all officers and soldiers, natives of the East-Indies, or other places within the limits of the said Company's Charter, in their respective services, and for the administration of justice by courts martial to be holden on such native officers and soldiers, and for the constitution and manner of proceeding of such courts martial, and for all other purposes relating to or in any manner concerning such native officers and soldiers, in as full and ample a manner as the said govern-

ments respectively may make any other laws or regulations for the government of the natives of the several territories subject to the said presidencies respectively, any Act of Parliament, or other matter or thing, to the contrary notwithstanding: provided always, that all laws, regulations, and articles of war, hereafter to be made respecting any of the matters aforesaid, whereby the rights, persons, or property of any such native officers or soldiers may be affected, shall be made and promulgated in every respect in the same manner as other regulations affecting the rights, persons, or property of natives or other individuals amenable to the provincial courts of the presidency of Fort William in Bengal, are directed to be made by virtue of an Act passed in the thirty-seventh year of his Majesty's reign, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India."

(1) [The Governor-general in Council is the only local authority now possessing the power of legislation.]

Former laws, articles of war, and established usages respecting native troops confirmed.

XCVII. And be it further enacted and declared, that all laws, regulations, and articles of war heretofore made by any of the said governments, respecting the said native officers and soldiers, or the administration of justice by courts martial to be holden upon them, or the constitution or proceeding of such courts martial, or in any manner respecting the government, order, or discipline of such native officers or soldiers, and also all established usages acted upon by such governments, respecting any of the matters aforesaid, although the same may not have originated in any written law or regulation thereof, were, and that such of the said laws, regulations, articles of war, and established usages as are now subsisting are, and until altered or repealed by the said governments(1) respectively shall be, to all intents and purposes, valid; and that all courts martial holden according to such laws, regulations, or articles of war, or established usages, and all proceedings of the same respectively, and all other acts or proceedings done or had under such laws, regulations, articles of war, or established usages, are hereby ratified and confirmed, and declared to be valid, and to have been legally had and done; so far as the same respectively were and are conformable to such laws, regulations, articles of war, and established usages.

(1) [*Vide* note on section 96.]

Governor general and Governors in Council at Fort William, Madras, Bombay, and Prince of Wales' Island, may impose duties of customs and other taxes on places and persons within the jurisdiction of the Courts established by the King's Charter, in the same manner as in places without such jurisdiction.

XCVIII. And whereas it is expedient that the governments of the said Company established at Fort William, Fort Saint George,(1) Bombay,(1) and Prince of Wales' Island,(1) respectively, should have authority to impose duties and taxes to be levied within the several towns of Calcutta and Madras, the town and island of Bombay and Prince of Wales' Island, and also duties and taxes to be paid by persons subject to the jurisdictions of the Supreme Court of Judicature at Fort William in Bengal, the Supreme Court of Judicature at Madras, the Court of the Recorder of Bombay,(2) and the Court of Judicature at Prince of Wales' Island respectively; be it therefore enacted, that it shall and may be lawful to and for the Governor-general in Council of Fort William in Bengal, and to and for the Governor in Council of Fort Saint George,(1) and to and for the Governor in Council of Bombay,(1) and to and for the Governor in Council of Prince of Wales' Island,(1) within the respective Presidencies of Fort William, Fort Saint George, Bombay, and Prince of Wales' Island, to impose all such duties of customs and other taxes, to be levied, raised, and paid within the said towns of Calcutta and Madras, the said town and island of Bombay, and Prince of Wales' Island, and upon and by all persons whomsoever, resident or being therein respectively, and in respect of all goods,

wares, merchandizes, commodities and property whatsoever also being therein respectively; and also upon and by all persons whomsoever, whether British born or foreigners, resident or being in any country or place within the authority of the said governments respectively; and in respect of all goods, wares, merchandizes, commodities and property whatsoever, being in any such country or place, in as full, large and ample manner as such Governor-general in Council, or Governors in Council(1) respectively may now lawfully impose any duties or taxes to be levied, raised, or paid, upon or by any persons whomsoever, or in any place whatsoever, within the authority of the said governments respectively: provided always, that no imposition of any such duty or tax, or any increase of any such duty or tax, within the said towns of Calcutta or Madras, the said town and island of Bombay, or Prince of Wales' Island, shall be valid or effectual, until the same shall have been sanctioned by the said Court of Directors, with the approbation of the said Board of Commissioners, in manner herein-before prescribed respecting duties and taxes of export, import, and transit on goods, wares, or merchandize.

No such duty or tax in Calcutta, Madras, Bombay, or Prince of Wales' Island, to be valid till sanctioned by the Directors, with the approbation of the Board.

(1) [*Vide* note on section 96.]
(2) [*Vide* note (5) on section 89.]

XCIX. And be it further enacted, that it shall and may be lawful for such Governor-general in Council, and Governors in Council(1) respectively, to make laws and regulations respecting such duties and taxes, and to impose fines, penalties, and forfeitures, for the non-payment of such duties or taxes, or for the breach of such laws or regulations, in as full and ample manner as such Governor-general in Council, or Governors in Council(1) respectively, may now lawfully make any other laws or regulations, or impose any other fines, penalties, or forfeitures whatsoever: and all such laws and regulations shall be taken notice of without being specially pleaded, as well in the said Supreme Courts and Recorder's Court (2) and Court of Judicature at Prince of Wales' Island respectively, as in all other Courts whatsoever, within the said British territories: and that it shall and may be lawful for all persons whomsoever, to prefer, prosecute, and maintain in the same Supreme Courts and Recorder's Court(2) and Court of Judicature at Prince of Wales' Island respectively, all manner of indictments, informations, and suits whatsoever, for enforcing such laws and regulations, or for any matter or thing whatsoever arising out of the same; any Act, Charter, usage, or other thing to the contrary notwithstanding.

Governor-general and Governors in Council may make laws and regulations respecting such duties and taxes, and impose fines and forfeitures for non-payment thereof.

(1) [*Vide* note on section 96.]
(2) [*Vide* note (5) on section 89.]

C. And be it further enacted, that it shall and may be lawful for the Advocate-general, or other principal law-officer of the said Company, at the several presidencies of Fort William, Fort Saint George, Bombay, and Prince of Wales' Island, to exhibit in behalf of the said Company to the Supreme Courts of Judicature at Fort William and Madras, Recorder's Court at Bombay,(1) and Court of Judicature at Prince of Wales' Island, as occasion shall require, against any person or persons whomsoever, subject to the jurisdiction of the said several Courts respectively, any information or informations for any breach or breaches of the revenue laws, or regulations of any of the said governments, or for any fine or fines, penalty or penalties, forfeiture or forfeitures, debt or debts, or sum or sums of money, committed, incurred, or due by any such person or persons, in respect of any such law or regulations; and such proceedings shall be had and taken upon every such information as may lawfully be had or taken, in case of an information filed by his Majesty's Attorney-general in the Court of Exchequer in England,

Advocate-general may exhibit informations to the King's Courts in matters of revenue, &c.

for any offence committed against the revenue laws of England, or for any fine, penalty, forfeiture, debt, or sum of money due in respect thereof; so far as the circumstances of the case, and the course and practice of proceeding in the said Courts respectively will admit; and all fines, penalties, forfeitures, debts, and sums of money, recovered or levied under or by virtue of any such information, so to be exhibited as aforesaid, shall belong to the said United Company, and the same, or the proceeds thereof, shall be carried in their books of account to the credit of the territorial revenues of the said Company.

(1) [*Vide* note (5) on section 89.]

Provision for summary conviction and punishment of British subjects being in India without licence, or exceeding the terms of their licence.

CI. And whereas it is expedient that provision should be made for empowering the several governments of the said Company in India to restrain, by summary convictions, British subjects residing in India without licence or certificate, or beyond the terms of such licence or certificate, in cases where such governments may not deem it advisable to exercise the powers vested in them of prosecuting such persons for a misdemeanor, or sending them to the United Kingdom; be it therefore enacted, that upon information being exhibited by the Advocate-general, or other principal law-officer of the said Company, at any of their presidencies, in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, the Recorder's Court at Bombay,(1) or the Court of Judicature at Prince of Wales' Island, that any such subject of his Majesty as has been found in any part or place of the East-Indies, or parts aforesaid, to which the jurisdiction of the Court in which such information may be filed extends, without being duly licensed or otherwise authorised for that purpose, it shall and may be lawful for the Court in which such information may be filed, to cause such person to be arrested and brought before such Court; and upon proof being duly made before such Court of the substance of the matter stated in the said information, such person shall be required to produce or prove the licence or other authority under which he came to and resides in the East-Indies, and under which he resorted to or was remaining, or found at the place where he shall be proved to have been: and in case he shall fail to produce or prove any such licence or authority, or duly account for the non-production or want of proof thereof, or if upon production or proof thereof it shall appear to the said Court that the residence of such person in the East-Indies, or his resorting to or remaining in the place where he shall be proved to have been, was not within the true intent and meaning of such licence or authority, it shall and may be lawful for the said Court, in a summary way, to convict such offender of having been found on such a day at such a place within the East-Indies, or parts aforesaid, without being duly licensed or otherwise authorised for that purpose, and to order such offender to pay such fine, not exceeding two thousand rupees, as the said Court shall think fit, and also to commit such offender to the gaol of the presidency to which such Court shall belong, for a period not exceeding two months, unless such fine shall be sooner paid; and in case such person shall a second time be convicted of a like offence, either before the same or any other Court, it shall and may be lawful for such Court before which such person shall be so convicted a second time, to order such offender to pay such fine, not exceeding four thousand rupees, as the said Court shall think fit, and also to commit such offender to the gaol of the presidency to which such Court shall belong, for a period not exceeding four months, unless such fine shall be sooner paid: provided always, that nothing herein contained shall extend, or be construed to extend, to repeal, alter, or annul any enactment or provision contained in any former Act or Acts, whereby any person so being found in the East-Indies, or parts aforesaid, without having a licence or other authority for that purpose, is or may be subjected to a prosecution for a misdemeanor, or whereby such person is or may be liable to be sent to the United Kingdom: provided nevertheless, that no person who shall have been convicted

Penalty.

Not to prevent such British subjects from being prosecuted for misdemeanors, or sent home;

as aforesaid, shall be liable to be prosecuted for a misdemeanor, or sent to the United Kingdom. in respect of any residence in the East-Indies, or parts aforesaid, previously to the date of such conviction. (2)

but not on account of residence previous to conviction.

(1) [See note (5) on section 89.]
(2) [See note on section 36.]

CII. And for preventing any delay of justice, or the unnecessary detention of persons charged with offences; be it further enacted, that all his Majesty's Courts exercising criminal jurisdiction within the said several presidencies of the said Company, shall, and they are hereby required, four times at the least in every year, on such days and at such convenient intervals of time as the Judges of the said Courts respectively shall appoint, to hold their sessions, for the purpose of taking cognizance of all matters relating to pleas of the Crown.

King's Courts regularly to hold sessions four times in every year, for trying criminal offences.

CIII. And whereas great inconvenience and expense have hitherto been experienced in cases of prosecution under the authority of the Advocate-general or other principal law-officer of the said Company, at their several presidencies of Fort William, Fort Saint George, and Bombay respectively, for misdemeanors committed at a distance from the said several presidencies, by the ordinary course of indictment, or information filed with leave of the Court; be it therefore enacted, that it shall and may be lawful for the Advocate-general, or other principal law-officer of the said Company at their several presidencies, in all cases of misdemeanor alleged to have been committed by any British subject, at a distance of more than one hundred miles from the presidency, within the limits whereof such offence shall be alleged to have been committed, to file an information *ex officio* in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, or the Recorder's Court at Bombay,(1) as the case may be; and all such proceedings shall and may be used and had upon such information as may lawfully be used and had in cases of information filed *ex officio* by his Majesty's Attorney-general in his Majesty's Court of King's Bench in England, any matter or thing to the contrary notwithstanding.

For misdemeanors committed by British subjects more than one hundred miles from a presidency, informations may be filed *ex officio*, and prosecuted as in the Court of King's Bench in England.

(1) [See note (5) on section 89.]

CIV. And whereas it may be doubtful whether the Governor-general of Fort William in Bengal, or other persons authorised to take, arrest, and seize such persons as may be found within the East-Indies, and other limits of the said Company's Charter, without licence or other lawful authority for that purpose, have power to remit or send any such person or persons to the said United Kingdom, except for the purpose of being prosecuted for a misdemeanor: and whereas it may be sufficient in many cases to remit and send such persons to the United Kingdom, without subjecting them to further punishment; be it enacted, that it shall and may be lawful for the said Governor-general, or in his absence from his government the Vice-president, the Governor of any of the said Company's presidencies, the chief officer of the said Company resident at any British settlement in the East-Indies or parts aforesaid, the Company's council of supercargoes at the town and factory of Canton, within the said town and factory, and upon the river of Canton, or other part of the coast of China, (1) and such other persons as may be from time to time especially deputed and authorized for that purpose by the Court of Directors of the said United Company, to take, arrest, seize, and cause to be taken, arrested, and seized, at any place or places within the East-Indies or parts aforesaid, and to remit and send to the United Kingdom, on board any ship or ships of or belonging to or in the service of the said Company, bound to the United Kingdom, all such

Persons residing in India without licence, may be sent home without being afterwards prosecuted.

persons so being found at any such place or places in the East-Indies or parts aforesaid, without licence or lawful authority for that purpose; (2) and the masters or other persons having the command of all such ships, shall and they are hereby authorized and required to receive, and safely and securely to keep all and every such person and persons who shall be sent on board any ship or ships for the purpose aforesaid, until such person or persons shall be landed in some port or ports of the United Kingdom: provided always, that every person who shall be so put on board any such ship for the purpose aforesaid, shall be entitled to be discharged in such port of the United Kingdom, in which such ship shall be moored in safety, as such person shall think fit.

(1) [The Company have now no establishment in China.]

(2) [See note on section 36.]

Justices of Peace in the provinces shall have jurisdiction in case of assault and trespass committed by British subjects on the natives of India.

CV. And whereas his Majesty's British subjects resident in the British territories in India, without the towns of Calcutta, Madras, and the town and island of Bombay, are now, by law, subject only to the jurisdiction of his Majesty's Courts at Calcutta, Madras, and Bombay respectively, and are exempted from the jurisdiction of the Courts established by the said United Company within the said territories, to which all other persons whether natives or others, inhabitants in the said territories, without the limits of the towns aforesaid, are amenable: (1) and whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which may be committed by British subjects at a distance from the places where his Majesty's Courts are established, as in case of civil controversies with such British subjects; be it therefore enacted, that it shall and may be lawful for any native of India, resident in the East-Indies, or parts aforesaid, and without the said towns, in case of any assault, forcible entry, or other injury accompanied with force, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the magistrate of the zillah or district where the alleged offender shall be resident, or in which such offence shall have been committed; and that such magistrate shall have power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and, having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the person accused; and, in case of conviction, to inflict upon such person a suitable punishment, by fine, not exceeding five hundred rupees, to be levied in case of non-payment by warrant under the hand of the said magistrate, and upon any property of the party so convicted, which may be found within the said district; and if no such property shall be found within the said district, then it shall be lawful for the said magistrate, by warrant also under his hand, to commit such offender to some place of confinement within the said zillah or district, which in the judgment of the said magistrate shall be fit for receiving such offender; or if there shall be no fit place of confinement, then to the gaol of the presidency, to remain there for a period not exceeding two months, unless such fine shall be sooner paid; and it shall be lawful for the said magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury: provided always, that in all cases of conviction of a British subject, under the provision herein-before contained, the magistrate before whom such conviction shall take place shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place wherein the offence was committed is or shall be subordinate; provided also, that all such fines shall be paid in the first instance to the magistrate before whom the party offending shall be convicted, and the amount thereof after making such

Copy of conviction and proceedings to be sent to the Government.

Fines to be paid to the magistrate.

satisfaction to the party aggrieved, as aforesaid, if any, shall be transmitted by such magistrate to the Clerk of the Crown, or other officer to whom it belongs to receive fines in his Majesty's Court of Oyer and Terminer and Gaol Delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such Court of Oyer and Terminer and Gaol Delivery: provided also, that all such convictions shall and may be removable by writ of *certiorari* into the said Courts of Oyer and Terminer and Gaol Delivery respectively, in the same manner, and upon the same terms and conditions, and shall be proceeded upon in the same manner in every respect as is directed in the said Act of the thirty-third year of his Majesty's reign, with regard to other convictions before Justices of Peace in the British settlements or territories in India: provided also, that nothing herein contained shall extend or be construed to extend, to prevent such magistrate from committing or holding to bail any British subject, charged with any such offence before him, in the same manner as such British subject might have been committed or holden to bail if this Act had not been passed, where the offence charged shall appear to such magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of his Majesty's Courts to which such British subject may be amenable.

Application thereof.

Convictions removable by *certiorari*, and subject to provisions of 33 G. 3. c. 52.

(1) [*Vide* Acts of Government of India, Nos. 8 and 24 of 1836, in Appendix.]

CVI. And be it further enacted, that in all cases of debt not exceeding the sum of fifty rupees, alleged to be due from any British subject to any native of India resident in the East-Indies or parts aforesaid, and without the jurisdiction of the several Courts of Request established at Calcutta, Madras, and Bombay respectively, it shall and may be lawful for the magistrate of the zillah or district where such British subject shall be resident, or in which such debt shall have been contracted, to take cognizance of all such debts, and to examine witnesses upon oath, and in a summary way to decide between the parties, which decision shall be final and conclusive to all intents and purposes; and in all cases where any such debt shall be found to be due from any British subject to any such native of India, the amount thereof shall and may be levied in the same manner, and subject to the same regulations and provisions, in respect to the commitment of the debtor, as are herein-before made and provided in respect to the levying of fines in case of the conviction of a British subject before such magistrate.(1)

Justices of the Peace to have jurisdiction in cases of small debts due to natives from British subjects.

(1) [Repealed as to debts due from officers and soldiers being British subjects by 4 Geo. 4, cap. 81, sec. 57. For the mode of proceeding for the recovery of debts not exceeding 400 rupees from persons subject to the East-India Mutiny Act, when serving beyond the jurisdiction of the Presidency Courts of Requests, see 3 and 4 Vict. cap. 37, sec. 54. In reference to civil proceedings against British subjects generally, see Acts of Government of India, Nos. 11 and 24 of 1836, in Appendix.]

CVII. And be it further enacted, that all British subjects of his Majesty, as well the servants of the said United Company as others, who shall reside, or shall carry on trade or other business, or shall be in the occupation or possession of any immoveable property in any part

British subjects, residing or trading, or occupying immoveable property, ten miles

from the presidencies, to be subject to the local civil judicature.

of the British territories in India, at the distance of more than ten miles from the several presidencies of Fort William, Fort Saint George, and Bombay respectively, shall be subject to the jurisdiction of all Courts which now have, or hereafter may have, cognizance of civil suits or matters of revenue, either originally or by way of appeal, within the districts or places where such British subject shall so reside, or carry on trade or business, or possess or occupy immoveable property, in all actions and proceedings of a civil nature, and in all matters of revenue (except as herein-after excepted), in the like manner as the natives of India, and other persons not British subjects, are now liable to the jurisdiction of such Courts by and under the regulations of the several governments of Fort William, Fort Saint George, and Bombay respectively: provided always, that no British subject shall be liable to be sued in any such Court in respect of residence, unless he shall have his residence within the jurisdiction thereof at the time of commencing the action or proceeding against him; or that the cause of suit shall have arisen within the jurisdiction of the said Court, and the suit shall be commenced within two years after the cause thereof shall have arisen, and also within six months after the defendant shall have ceased to reside within such jurisdiction; nor shall any British subject be liable to be sued in any such Court in respect of his carrying on trade or business within the jurisdiction thereof, unless the cause of suit shall have arisen within such jurisdiction, and shall relate to the trade or business so carried on; nor to be sued in respect of any immoveable property possessed or occupied by him, unless such property shall be situated within the jurisdiction of the Court in which he shall be so sued, and such suit shall be brought to recover the possession or occupation of such property, or for rent, or other demand arising out of the possession or occupation of such property by such British subject: provided also, that where by the laws or regulations in force, or hereafter to be in force, within the provinces respectively subject to the governments of Fort William, Fort Saint George, and Bombay aforesaid, it would be competent to a party to any final judgment or decree of any subordinate, civil, or revenue Court of Judicature, to appeal therefrom to the Sudder Dewanny Adawlut, or other Court however denominated, exercising within those provinces respectively the highest appellate jurisdiction in civil suits, it shall be competent to British subjects of his Majesty, in suits commenced against them under the provisions of this Act, instead of appealing to the said Sudder Dewanny Adawlut, or other Courts so exercising the highest appellate jurisdiction as aforesaid, to appeal to the Supreme Court of Judicature at Fort William, or Fort Saint George, or the Recorder's Court at Bombay, according as the suit may have been commenced in the provinces subordinate to either of the said presidencies; and such Court shall have the same powers as to suspending or allowing execution of the judgment or decree appealed against, and as to taking security for costs, or for the performance of the decree or judgment of the said subordinate Courts, as the said Sudder Dewanny Adawlut or other such Court as aforesaid would have had, and shall also make rules of practice for the conduct of the said appeals, in all other respects conforming in substance and effect as nearly as possible to the course of procedure of the said Sudder Dewanny Adawlut, or other such Court as aforesaid in cases of appeal: provided also, that nothing herein contained shall extend, or be construed to extend, to take away the jurisdiction of the said Supreme Courts of Judicature at Fort William and Madras, or the said Recorder's Court at Bombay respectively; but that all persons having cause of action against any British subject may, at their election, instead of suing in such provincial Courts as herein-before provided, commence and prosecute their said suits in the said Supreme Courts of Judicature, and the said Recorder's Court respectively, in the same manner as before the passing of this Act: provided also, that nothing herein contained shall extend, or be construed to extend, to authorize the holding or occupying of any land or other immoveable property, beyond the limits of the said several presidencies, by any

Restrictions as to the grounds of jurisdiction of the local judicature.

Where an appeal would lie to the Sudder Dewanny Adawlut, or local Court, British subjects may appeal to his Majesty's Courts.

Not to bar the jurisdicion of the King's Courts.

The plaintiff may sue there at his election.

British subject of his Majesty, otherwise than under and according to the permission of the Governments of the said presidencies. (1)

(1) [*Vide* Acts of Government of India, Nos. 8, 11, and 24, of 1836, in Appendix.]

British subjects allowed to reside more than ten miles from presidency, shall procure and register certificate of such permission in the Court of the district;

CVIII. And be it further enacted, that every British subject of his Majesty, not in the service of his said Majesty, or of the said United Company, who, after the tenth day of April one thousand eight hundred and fourteen, shall go and reside in any part of the British territories in India, distant more than ten miles from the presidency to which the same shall be subordinate, with the permission of the government of such presidency, or who shall, after the said day, change his residence from one part thereof to another, distant as aforesaid, with such permission, shall procure from the chief secretary (1) of the said government or other officer authorized for that purpose, a certificate signed by the said chief secretary or other officer, expressing that such British subject has the permission of such government to reside at such place, specifying the same, and expressing also whether such permission has been granted during the pleasure of such government or for any limited time; and the said certificate shall be deposited by such British subject in the civil Court of the district in which he shall so go to reside, within one month after his taking up his residence there, and shall be kept among the records of the said Court, of which certificate so deposited, a true copy attested by the judge or other officer of such Court thereto authorized, shall be given to the party depositing the same, and shall be deemed and taken in all Courts of Justice, and on all occasions whatsoever, to be good and sufficient evidence of such certificate, unless the contrary shall be shewn: and no British subject not in the service of his Majesty, or of the said United Company, going to reside in any such part of the British territories, or changing his residence from one part thereof to another, after the said day, shall be allowed, while he so resides, to have or maintain any civil action or proceeding (other than in the nature of an appeal) against any person whomsoever in any Court of civil jurisdiction within the British territories in India, until he shall have filed, in the Court in which such action or proceeding is commenced, a copy of such certificate signed by the Judge of the Court wherein the same is deposited; or an affidavit accounting to the satisfaction of the Court for not filing the same; and if it shall be proved to the Court in which such action is brought that such British subject is residing at any place within the said territories, distant more than ten miles from the presidency to which it is subordinate, without such certificate or otherwise than according to the permission contained in such certificate, or that such permission has been revoked, or that, being for a limited time, it has expired and has not been renewed, and that such British subject is therefore residing without permission at more than ten miles distance from such presidency, such British subject shall thereupon be nonsuited. (2)

and suing in any civil Courts, shall produce copy of such certificate, or an affidavit accounting for not filing it.

(1) [See Act of Government of India, No. 2, of 1834, in Appendix.]

(2) [Now applicable only to those parts of India not opened to British subjects under 3 & 4 Wm. 4, cap. 85. See note on section 36.]

Natives of India in the service of Company subject to provincial Courts.

CIX. And whereas doubts have been entertained whether persons being natives of India, in the service of the United Company of Merchants of England trading to the East-Indies, or of any of his Majesty's subjects, are amenable to the jurisdiction of the provincial Courts

established in the East-Indies, or whether such persons being natives of India, in the service of the said United Company, or of his Majesty's subjects, are not exclusively amenable to the jurisdiction of the said Courts at Fort William, Madras, and Bombay respectively, and it is expedient that such doubts should be removed; be it further enacted and declared, that all persons whosoever, being natives of India, who have been, now are, or hereafter may be employed, by or in the service of his Majesty, the said United Company, or of any of his Majesty's subjects, were, and are, and shall be subject and amenable to all provincial Courts of competent jurisdiction for all crimes and misdemeanors, and in all actions and suits whatsoever, of which such Courts respectively could take cognizance, if the persons having committed such crimes or misdemeanors, or against whom the causes of such actions or suits shall have arisen, had not been employed by, or had not been in the service of his Majesty, or the said United Company, or any of his Majesty's subjects; any law, usage, or practice to the contrary thereof in anyways notwithstanding: provided always, that nothing herein contained shall anywise oust the said Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay(1) respectively, of any jurisdiction over any natives of India, which such Courts may now lawfully exercise; but such Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay(1) respectively, as well as the provincial Courts herein referred to, according to their several jurisdictions, shall have a concurrent jurisdiction over natives of India, employed by or in the service of the said United Company, or any of his Majesty's subjects.

(1) [Now a Supreme Court of Judicature.]

Admiralty jurisdiction of King's Courts extended.

CX. And whereas the Courts established by the said United Company have no jurisdiction over crimes maritime, and doubts have been entertained whether the Admiralty jurisdiction of his Majesty's Courts at Calcutta, Madras, and Bombay, extends to any persons but those who are amenable to their ordinary jurisdiction; by reason whereof failures of justice may arise; be it therefore enacted, that it shall and may be lawful for his Majesty's Courts at Calcutta, Madras, and Bombay, exercising Admiralty jurisdiction, to take cognizances of all crimes perpetrated on the high seas, by any person or persons whatsoever, in as full and ample a manner as any other Court of Admiralty jurisdiction established by his Majesty's authority in any colony or settlement whatsoever belonging to the Crown of the said United Kingdom.

Advocate-general of the Company may file informations in King's Courts for debts due to his Majesty.

CXI. And whereas doubts have arisen whether the Advocate-general or other principal law officer of the said Company, at any of the said Company's presidencies, is by law authorized to exhibit to the respective Courts of Judicature at any of the said presidencies, for and on behalf of his Majesty, informations in the nature of actions at law, or bills in equity, for or in respect of any cause or causes of actions, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter, cause, or thing whatsoever, which may have arisen or accrued, or which may arise or accrue to his Majesty; for remedy thereof, be it further enacted, that it shall and may be lawful to and for the Advocate-general, or other principal law officer of the said Company for the time being, at each of the said Company's presidencies respectively, for and on behalf of his Majesty, his heirs, and successors, to exhibit to the respective Supreme Courts of Judicature at the said Company's presidencies of Fort William and Madras, or to the Recorder's Court at Bombay, or the Court of Judicature at Prince of Wales' Island, any information or informations in the nature of an action or actions at law, or of a bill or bills in equity, as occasion shall require, against any person or persons residing within or being amenable to the jurisdiction of the said Courts respectively,

for or in respect of any cause or causes of action, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter, cause, or thing whatsoever, as fully and effectually to all intents and purposes, as his Majesty's Attorney-general for the time being is by law authorized to exhibit any such information or informations in any of his Majesty's Courts of Law or Equity in this realm; and that thereupon such proceedings shall be had, as far as the circumstances of the case in the course and practice of the said Courts of Judicature, at the said several presidencies will admit, as are had upon such informations exhibited by his Majesty's Attorney-general in any of his Majesty's Courts of law or equity in this realm.

Justices of the Peace may qualify by taking the oaths in any Court of Justice within the provinces.
33 G. 3. c. 52.

CXII. And whereas great inconvenience has arisen from requiring the civil servants of the said United Company, and other persons stationed at a distance from the presidencies, to attend and take the oaths in the Courts of Oyer and Terminer of the said presidencies, as prescribed by the said Act of Parliament of Great Britain of the thirty-third year of his Majesty's reign; be it therefore enacted, that all persons who shall be nominated and appointed in any such commissions of the peace as are in the said Act mentioned, shall be capable of acting as Justices of the Peace in every respect, according to the tenor of such commissions, upon taking and subscribing in any Civil or Criminal Court of Justice, within the provinces in and for which any such commission shall have issued before any other Justice of the Peace, the like oaths as are appointed by the said Act to be taken in the Court of Oyer and Terminer of the province or presidency for which such persons shall be appointed to act as Justices of the Peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the Courts of justice in which the said oaths shall have been administered.(1)

(1) [See 33 Geo. 3, cap. 52, sec. 152, and 2 & 3 Wm. 4, cap. 117, sec. 1.]

Provincial Courts of the highest jurisdiction may arrest in civil or criminal process within the Presidencies, notwithstanding the jurisdiction of King's Courts.

CXIII. And whereas it is expedient that the Sudder Dewanny Adawlut, and Nizamut Adawlut, or other provincial Courts, however denominated, exercising the highest jurisdiction within the provinces respectively subject to the governments of Fort William, Fort Saint George, and Bombay, should have power and authority to execute process of arrest, either civil or criminal, within the towns of Calcutta and Madras, and the town and island of Bombay, notwithstanding the jurisdiction of his Majesty's Courts established at those places respectively, be it therefore enacted, that it shall and may be lawful for the said Court of Sudder Dewanny and Nizamut Adawlut, or other provincial Courts aforesaid, to execute or cause to be executed upon all persons subject to the jurisdiction of such Courts respectively,(1) all manner of lawful process of arrest, within the respective limits of the towns of Calcutta and Madras, and of the town and island of Bombay, in the same manner as the said Courts respectively may, by virtue of any power now vested, or hereafter to be vested in them, lawfully execute, or cause to be executed, such process in any place situate without the said limits; any Act, Charter, or other matter or thing whatsoever to the contrary notwithstanding: provided always, that all such process which shall be executed within the limits aforesaid, shall be in writing, and shall have underwritten or indorsed thereon, or otherwise annexed thereto, a translation thereof, or of the substance thereof, in the English language and character, signed by one of the Judges of the Court from whence the same shall issue.

Process to be in writing, with an English translation, and signed by a Judge.

(1) [*Vide* Act of Government of India, No. 11 of 1836, in Appendix.]

Sections 114 to 120 are composed of penal enactments directed against various offences. They are repealed by 9 Geo. 4, cap. 74, sec. 126. Section 121 directs the mode of carrying into effect the sentence of transportation for offences under former sections of this Act; but the whole of those sections have been repealed.

Persons taking false oaths, guilty of perjury; and persons suborning, liable to the penalties of perjury, according to the laws of England.

CXXII. And be it further enacted, that if any person or persons whomsoever shall be convicted of making a false oath, touching any of the matters directed or required by this Act to be testified on oath, such person or persons so convicted as aforesaid, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons guilty of perjury are liable by any law in force in that part of the said United Kingdom called England; and if any person shall corruptly procure or suborn any other person or persons to swear falsely in any such oath, such person, being duly convicted of such procuring and suborning, shall for every such offence incur and suffer such penalties, forfeitures, pains and disabilities, as persons convicted of perjury are respectively liable unto, by any law in force in the said part of the United Kingdom called England.

In actions for unlawful arresting of persons found in the East-Indies, &c. the defendants may plead the general issue.

Proof to lie on the plaintiff.

Treble costs.

CXXIII. And be it further enacted, that if any suit or action shall be brought or commenced against the said United Company, or any of their servants, or any person or persons acting by their authority for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing into the United Kingdom, of any person or persons found in the East-Indies or other parts aforesaid, within the limits of the said Company's Charter, or as not being authorized to reside or traffic (1) there, the defendant or defendants to such suit or action may plead the general issue, and give the special matter in evidence for his or their defence; (2) and the proof shall lie on the plaintiff or plaintiffs upon the trial of the issue, to shew that at the time or times of arresting or seizing such person or persons respectively for the causes aforesaid, in the manner in which such arresting or seizing shall be laid or charged to have been done in or by the declaration or declarations in such suits or actions, the person or persons so arrested was or were in the military or marine service of his Majesty, his heirs or successors, or was or were under covenant to serve the said Company in India, or was or were duly possessed of a licence or licences, certificate or certificates in writing, authorizing him or them to go to or reside and traffic in the East-Indies or parts aforesaid, or that the person or persons, not being in his Majesty's service, was or were at the time or times of his or their being so seized or arrested, entitled or authorized, by the stipulation of such covenants, licences or certificates respectively, to remain and continue in India or other the parts aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become nonsuited; and in such case, or in any other cases wherein the plaintiff or plaintiffs shall become nonsuited, or wherein judgment shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defendant or defendants, he or they shall have treble costs awarded to be paid by the respective plaintiff or plaintiffs in such suit or action; any law, statute, or provision to the contrary notwithstanding.

(1) [See note on section 36.]

(2) [See 10 Geo. 3, cap. 47, secs. 5 and 7.]

CXXIV. And be it further enacted, that all suits, and prosecutions for any thing done under or by virtue of this Act, shall be commenced within the space of three years after the cause of complaint shall have arisen; or being done in the United Kingdom, in the absence of any person beyond sea, aggrieved thereby, then within the space of three years next after the return of such person to the United Kingdom. Limitations of suits.

CXXV. And be it further enacted, that so much and such parts of this Act in respect whereof no particular time or times of commencement is or are herein named, or appointed, shall have commencement from and after the tenth day of April, one thousand eight hundred and fourteen. Parts of the Act, for which no particular time is appointed, to commence from 10th April, 1814.

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54 GEORGII III. Cap. LXI.

An Act *to amend an Act of the Twenty-second Year of his present Majesty, intituled, "An Act to prevent the granting in future any Patent Office, to be exercised in any Colony or Plantation, now, or at any Time hereafter belonging to the Crown of Great Britain, for any longer Term than during such Time as the Grantee thereof or Person appointed thereto shall discharge the Duty thereof in Person and behave well therein."* [27*th May*, 1814.]

V. And be it further enacted, that nothing in this Act contained shall operate to the prejudice of any subsisting grant of any office or offices, or shall be construed to affect any appointment, or any leave of absence, granted previous to the passing of this Act, or any renewed grant of any office which may be made in consequence of the demise of the Crown to any person now holding the same: and that no provision of this Act shall be applicable or applied to any office granted or to be granted by the United Company of merchants trading to the East-Indies, or to any rules, regulations, or provisions, made by the said Company with respect to the appointment or leave of absence of any of their civil or military servants. This Act not to extend to the East-India Company.

54 GEORGII III. Cap. CV.

An Act *to remove Doubts as to the Duties and Taxes heretofore imposed and levied under the Authority of the several Governments in the East-Indies.* [23*d July,* 1814.]

Whereas doubts have arisen as to certain duties and taxes heretofore imposed by the several governments of Fort William in Bengal, Madras, Bombay, and Prince of Wales' Island respectively: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all duties of customs and other taxes heretofore made or imposed, as well upon British subjects as foreigners, and other persons whomsoever, by the orders or under the authority of the Governor-general in Council of Fort William in Bengal, the Governor in Council at Fort Saint George, the Governor in Council of Bombay, and the Governor in Council of Prince of Wales' Island, respectively, within the several towns of Calcutta and Madras, the town and island of Bombay and Prince of Wales' Island, and upon all persons whomsoever resident or being therein respectively, and in respect to all goods, wares, merchandizes, commodities, and property whatsoever, also being therein respectively, and also upon all persons whomsoever, whether British-born or foreigners, resident or being in any country or place within the authority of the said governments respectively, and in respect of all goods, wares, merchandizes, commodities, and property whatsoever, being in any such country or place, and also all orders and regulations for the imposition, levying, raising, or recovering, any such duties of customs or other taxes, or in anyways relating thereto, and all fines, penalties, and forfeitures heretofore imposed or levied by or under the authority of such Governor-general in Council and Governors in Council respectively, for the non-payment of such duties or taxes, or for the breach of any laws or regulations heretofore made by such Governor-general in Council and Governors in Council respectively, respecting such duties and taxes, shall be and the same are hereby confirmed, and shall be deemed to be as valid and effectual to all intents and purposes whatsoever, according to the true intent and meaning of the several orders, regulations, and usages, under which any such duties, taxes, fines, penalties, and forfeitures, have been imposed or levied, as fully and effectually as if the same had been imposed and made respectively under the provisions of an Act made in the last session of Parliament, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter;" any Act or Acts of Parliament or law to the contrary thereof in anywise notwithstanding, and all arrears of such duties and taxes may be demanded, levied, sued for, and recovered, and all penalties and forfeitures for any breach of any such rules and regulations in relation to any such duties and taxes shall and may be sued for, recovered, and enforced under the provisions of the said recited Act, as fully and effectually as if the same had been imposed, made, incurred or arisen after the passing thereof.

Power of levying duties, &c. by the Governments in India confirmed.

53 G. 3, c. 155.

II. And be it further enacted, that all such orders, regulations, usages, duties, taxes, fines, penalties, and forfeitures, shall be and remain in full force and effect until the same respectively

Orders, &c. to remain in force, and persons indemnified.

shall be repealed, altered, or varied, by any orders or regulations made and passed, or to be made and passed, under or by virtue of the said recited Act: and all persons who have been engaged or concerned in advising, passing, imposing, demanding, levying, or recovering any such orders, regulations, duties, taxes, fines, penalties, and forfeitures, shall be and are hereby indemnified in respect thereof, and of all proceedings and acts had, done, or taken under and according to the true intent and meaning of any such orders, regulations, or usages; and all actions and suits whatsoever which have been or hereafter shall be commenced, sued, or prosecuted, for or touching the receipt, collection, or imposition of any such duties, taxes, fines, penalties, or forfeitures, shall be and become absolutely null and void to all intents and purposes whatsoever, save and except for the purpose of recovering any costs which may have been incurred in any such action, and which hath been or may be awarded to be paid by any party thereto: provided always, that nothing herein contained shall extend to confirm any act or proceeding, or to indemnify any person or persons in respect of any act or proceeding, done without the authority or contrary to the true intent and meaning of any such order, regulation, or usage, as is hereby intended to be confirmed.

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55 GEORGII III. Cap. LIX.

An Act *for amending an Act of his present Majesty, to insure the proper and careful Manufacturing of Fire-Arms in England, and for making Provision for proving the Barrels of such Fire-Arms.* [12*th May*, 1815.]

Not to extend to arms made for his Majesty, or the East-India Company, or certain barrels specified.

V. Provided always, and be it further declared and enacted, that nothing in this Act contained shall extend, or be construed to extend, to that part of the United Kingdom called Scotland, or to that part of the United Kingdom called Ireland (except as to the forging marks, as in this Act after mentioned) or to the proving of any barrels used in the manufacturing of any musket, pistol, or other fire-arms, for the use of his Majesty's forces, or for the Honourable East-India Company, or to any barrels of the description hereinafter mentioned, *videlicet*, any barrels in the forged ground, finished or in any other state of manufacture, which shall be made or consist of stub or twisted stub, iron or other barrels, usually termed best barrels; (which said last-mentioned barrels may be and are hereby allowed to be sent, brought or received for the purposes aforesaid, in any number not exceeding the number of twenty, without being subject to any of the penalties of the said recited Act or this Act, except that such barrels shall be liable to the penalty for using barrels not duly proved and marked); and nothing in this Act contained is to exempt, or be construed to exempt, such last-mentioned barrels from being proved and marked as required by the said recited Act and this Act.

55 GEORGII III. Cap. LXIV.

An Act *to explain and amend an Act of the Fifty-third Year of his present Majesty, as far as relates to the granting Gratuities by the East-India Company.* [25*th May*, 1815.]

53 G. 3, c. 155.

Whereas by an Act of Parliament passed in the fifty-third year of his Majesty's reign, for continuing in the East-India Company, for a further term, the possession of the British territories in India, and for other purposes, after reciting therein, that it was expedient that the said Company should be put under reasonable limitations in respect to the granting of gratuities, it was enacted, that from and after the passing thereof, it should not be lawful for the Court of Directors of the said Company to charge the funds of the said Company with the payment of any gratuity to any officer, civil or military, or any other person, exceeding the sum of six hundred pounds, unless the grant or resolution for that purpose should have been sanctioned by the Court of Proprietors, and approved and confirmed by the Board of Commissioners for the affairs of India; and that copies of all warrants or instruments, granting any salary, pension, or gratuity, should be submitted to both Houses of Parliament within one month after such grant, if Parliament should be then sitting, or if not, within one month after their then next meeting: and whereas the said last-mentioned enactment doth not fully effectuate the intention expressed in the preamble thereto; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall not be lawful for the said Company, or for the Court of Directors of the said Company, with the sanction of the Court of Proprietors of the said Company, to charge the funds of the said Company with the payment of any gratuity to any officer, civil or military, or other person, exceeding the sum of six hundred pounds, unless the grant or resolution for that purpose shall have been approved and confirmed by the Board of Commissioners for the affairs of India; and that copies of all warrants or instruments granting any salary, pension, or gratuity, shall be submitted to both Houses of Parliament within one month after such grant, if Parliament should be then sitting, or if not, within one month after their then next meeting.

Company not to charge themselves with any gratuity exceeding £600, unless approved by the Commissioners for India affairs.

By 3 & 4 Wm. 4, cap. 85, sec. 25, all grants of money, except from the sum allotted for the home expenses of the Company, are to be subject to the approval of the Board.

55 GEORGII III. Cap. LXXXIV.

An Act *to amend so much of an Act of the Thirty-third Year of his present Majesty, as relates to fixing the Limits of the Towns of Calcutta, Madras, and Bombay; and also so much of an Act of the Thirty-ninth and Fortieth Year of his present Majesty, as relates to granting Letters of Administration to the Effects of Persons dying intestate within the several Presidencies in the East-Indies to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove Persons not being British Subjects; and to make Provision for the Judges in the East-Indies in certain cases.*

[14*th June*, 1815.]

Whereas by an Act of the Parliament of Great Britain, made and passed in the thirty-third year of his present Majesty's reign, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay;" it was amongst other things enacted, that if any question should arise touching or concerning the true limits and extent of the towns and factories of Calcutta, Madras, and Bombay respectively, or any of them, the same should be inquired into by the Governor-general in Council at Fort William, in respect to the limits and extent of Calcutta, and by the Governor in Council at Fort Saint George in respect to the limits and extent of Madras, and the Governor in Council at Bombay in respect of the town of Bombay; and that such limits as the said respective Governments by order in Council should declare and prescribe to be the limits of the said towns and factories respectively, should be held, deemed, and taken in law as the true limits of the same; any custom or usage to the contrary notwithstanding; and whereas by reason of the increase of the population of the towns of Calcutta, Madras, and Bombay, it is expedient that the several governments of Fort William, Fort Saint George, and Bombay, in the East-Indies, should be further empowered, in manner herein-after mentioned, to extend from time to time the limits of the said several towns: may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the Governor-general in Council at Fort William in Bengal, from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Calcutta; and to and for the Governor in Council at Fort Saint George, from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Madras; and to and for the Governor in Council at Bombay, from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Bombay; and that such extended limits as the said respective governments shall from time to time, in and by their respective orders in Council, or by their regulations, declare and prescribe as aforesaid to be the limits of the said towns respectively, shall, from the time of publishing such orders in Council, or regulations by proclamation, at the respective presidencies, be held, deemed, and

33 G. 3, c. 52.

Limits of the towns of Calcutta, Madras, and Bombay.

taken, as and for the true limits of the same; and from time to time, as any extension shall be made thereof, all jurisdictions, powers, and authorities which by virtue of any Act or Acts of Parliament, or any Charter or Charters, or any law or usage, shall or may be bounded or regulated by the limits of the said towns respectively, shall thenceforth be bounded and regulated by the limits of the said towns respectively, as they shall be declared and prescribed from time to time in manner herein-before mentioned; any custom, law, or usage to the contrary notwithstanding: provided always, that no order in Council or regulation hereafter to be made, and declaring or prescribing the limits of any of the said towns, shall be valid or effectual, until it shall have been sanctioned, or shall have been authorised to be made and passed by the Court of Directors of the United Company of Merchants of England trading to the East-Indies, with the approbation of the Board of Commissioners for the affairs of India.

39 & 40 G. 3, c. 79.

II. And whereas by an Act passed in the thirty-ninth and fortieth year of the reign of his present Majesty, intituled, "An Act for establishing further Regulations for the Government of the British Territories in India, and for the better Administration of Justice within the same," it was enacted among other things, that whenever any British subject should die intestate, within either of the presidencies of Fort William, Fort Saint George, or Bombay, or the territories subordinate or to become subordinate thereto, and on return of the citation to be issued from the proper Ecclesiastical Court, no next of kin or creditor should appear and make out their claim to the administration to the effects of the intestate to the satisfaction of the said Court, it should and might be lawful for the registrar of such Court, and he was thereby required to apply for, and such Court was thereby directed to grant letters *ad colligenda* or of administration to such registrar, in such manner as the said Act set forth: and whereas the said Act doth not expressly provide for the cases of executors or administrators, or persons intitled to administration, as herein-after mentioned, not resident within the jurisdiction of such Courts, who may have appointed attornies resident or being therein; and it hath been doubted whether the said Courts were not required under the said Act, to grant letters *ad colligenda* or of administration to their registrars, in preference to attornies so appointed; and it is fit that such doubts be removed; be it therefore enacted and declared, that when the executor or administrator lawfully appointed, or the person entitled to administration as next of kin or residuary legatee with the will annexed, of any person deceased, whose effects shall be subject to the jurisdiction of any of the said Courts in respect to the granting of administration, not being resident within the jurisdiction of such Court, shall have appointed or shall hereafter appoint, either by power of attorney under seal, or by any other sufficent authority, to be shewn to the satisfaction of the said Court, any person or persons resident or being within such jurisdiction to act for such executor or administrator, or person entitled to administration as aforesaid, in collecting or administering in any manner the effects of the deceased, the person or persons so appointed shall be entitled to obtain letters *ad colligenda* or of administration, either general or special, as the tenor of such authority and the nature of the case may require, preferably to the registrar of such Court, and all other persons to whom such executor or administrator, or persons entitled as aforesaid, would have had a preferable claim, if personally resident within the jurisdiction of the said Court.

Letters of administration to attornies or executors.

III. And be it further enacted, that where any such letters *ad colligenda* or of administration shall have been granted to the registrar of such Court, and application shall be afterwards made by any person or persons so appointed as aforesaid for the revocation thereof, in order to grant other letters to such person or persons, the letters so granted to such registrar

Making void letters of administration to registrar.

shall be revoked, unless it shall appear to the said Court that there has been unreasonable delay, either in the transmission of the authority under which such application is made, or in making such application; provided always, that when any letters *ad colligenda* or of administration shall have been actually granted to the registrar of any such Court by virtue of the Act herein-before recited, and shall be revoked on the application of such attorney or attornies as aforesaid, it shall be lawful for such Court, if they shall think fit, to direct that the whole or part of any commission, in respect to the administration of assets which may arise or become due by virtue of any reasonable custom, obtaining within the jurisdiction of such Court, shall be allowed to such registrar out of any assets which may have come to his hands, regard being had to the trouble and responsibility actually incurred, and to the service rendered by the said registrar in the collection of such assets: provided also, that nothing in this Act contained shall be construed to render necessary the taking out of letters *ad colligenda* or of administration from any of the Courts aforesaid, by any such attorney or attornies, otherwise than it would have been if this Act had not been made; and that no claim or right to any such commission in respect of administration of effects as aforesaid, shall be deemed to accrue to any such attorney or attornies by reason of letters *ad colligenda* or administration, taken out by him or them in virtue of such authority as aforesaid, nor any other or further commission than would have been payable to him or them as agents, either according to the usual and reasonable rates of such an agency, or by special agreement.

Not to affect the rights of persons entitled to probates of wills of administration of effects of persons who shall have died before the passing of this Act, &c.

IV. Provided also, and be it further enacted, that this Act shall not, nor shall anything herein contained, in anywise prejudice or affect the rights, claims, actions, suits, or appeals of any person or persons being entitled to or claiming to be entitled, either as principal or principals, attorney or attornies, to the probate or probates of any will or wills, codicil or codicils, or letters *ad colligenda* or of administration of the goods, chattels and effects of any person or persons who shall have died before the passing of this Act; nor the rights, claims, actions, suits, or appeals of any person or persons claiming or suing, or to claim or sue for the recall or repeal of any letters *ad colligenda* or of administration, granted of the goods, chattels, or effects of any person or persons who shall have died before the passing of this Act, which may have been or shall be granted to any such registrar as herein-before mentioned; nor to the rights, claims, actions, suits, or appeals of any person or persons claiming or to claim as executors, legatees, or next of kin of any person or persons who shall have died before the passing of this Act, in any way relating to the goods, chattels, property, estate, or effects of such deceased person or persons, or to the transactions, acts, deeds, neglects, defaults, intermeddlings, or accounts of any such registrar relating to any such goods, chattels, property, estate or effects, or under or by pretence of any letters *ad colligenda* or of administration, which may have been granted to him; nor in any way to entitle any such registrar to any commission, compensation, or allowance in respect of any thing done or to be done by him in relation to the goods, chattels, debts, credits, estate, or effects of any person or persons who shall have died before the passing of this Act, which he would not have been entitled to if this Act had not been passed; but every person being entitled to or claiming any such probate or probates, letters *ad colligenda* or of administration, or to have any such letters *ad colligenda* or of administration, recalled or repealed, or having or been entitled to, or claiming or to claim any such cause or causes of action, suit, or appeal shall be entitled thereto, and all benefit and advantage thereof, and to prosecute and carry on the same, in the same manner, as he, she, or they would have been entitled if this Act had not been passed.

Registrar when appointed administrator, to enter in a book separate accounts.

V. And be it further enacted, that in all cases in which the registrar of any of the said Courts shall be appointed administrator under the aforesaid Act, besides filing an inventory and account current according to the tenor of the administration bond and the usual course of the Ecclesiastical Court, he shall enter into a book, to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds, and other securities for money, goods, effects and things as shall come to his hands, or to the hands of any persons employed by him or in trust for him by virtue of any letters *ad colligenda* or of administration granted to him under the authority of the said Act, and likewise of all payments made by him for or on account of the said estates, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively; which said book shall be kept at the registrar's office, and shall be open for the inspection of all such persons, practitioners in the said Courts or others, as may have occasion to inspect the same, at office hours, paying such reasonable fee as may be fixed therefore by the said Courts, and no more; and the said registrars shall twice in every year, that is, on the first day of March and the twenty-second day of October, or on the first day after those days on which their respective Courts shall be sitting, exhibit and deliver in open Court, a true and perfect schedule of all sums of money, bonds, or other securities, received on account of each estate remaining under their charge, together with the payments made thereout, and the balances; and also of all administrations whereof the balances shall have been paid over to the persons entitled to the same, since the period of exhibiting the last schedule, specifying the amount of such balances, and the persons to whom paid; which schedules shall be filed of record in the said Courts, and shall within fourteen days afterwards be published in the Gazettes of the presidencies within which such Courts are respectively situated, by the said registrar, who shall likewise cause copies thereof, in triplicate, to be delivered to the chief secretary at such presidency, and the same shall be transmitted by the respective governments at such presidencies to the Court of Directors of the East-India Company, who, upon the receipt thereof, shall cause the same to be published in the *London Gazette*.

Removal of persons not being British subjects.

VI. And whereas it is expedient that the several governments in the East-Indies should be enabled to prevent subjects of foreign states from residing or sojourning within the British territories there against the consent of such governments respectively; be it further enacted, that it shall and may be lawful to and for the Governor-general in Council, and to and for the Governor in Council or chief officer for the time being of any presidency, or of any place not being subordinate to any presidency under the Government of the United Company of Merchants of England trading to the East-Indies, to cause notice in writing to be given to any person, not being a native of any part of the British territories in India, or within the limits of the Charter of the said United Company, other than such natural-born subjects of his Majesty as may from time to time lawfully resort to or reside in the East-Indies, to remove himself or herself from such presidency, or from all or any part of the British territories in the East-Indies, as may be deemed expedient, within a time to be limited by such notice: and in case any such person shall not obey such notice, then it shall and may be lawful to and for the Governor-general in Council or Governor in Council, or other chief officer (as the case may be) of the place where such person shall be found, to cause such person to be apprehended and brought before the Court of Civil or Criminal Judicature, to the jurisdiction whereof such place may be subject; and upon proof being made upon oath to the satisfaction of such Court, by any credible witness swearing to his knowledge or belief, stating the ground of such belief, that such person is an alien and the subject of a foreign

state, and that such notice as aforesaid has been served on such person, either personally or by leaving the same at his dwelling-house, unless such person shall prove that he is a natural-born subject of his Majesty authorized to reside in India, or a native of the British territories in India, or within the limits of the Charter of the Company, for the making which proof reasonable time and opportunity shall be allowed by the said Court, such person shall be remanded by the said Court into the custody of the Governor-general, Governor, or chief officer, who shall, as soon as may be, cause such person to be removed in such manner as his or her rank, state, and condition in life shall require, by the first convenient opportunity, to the country or place to which he or she shall belong, if he or she shall be willing to go thereto, or otherwise to such country or place as the Governor-general, Governor, or officer by whose authority he or she shall have been apprehended or shall be detained, shall be of opinion shall be most proper, regard being had to the convenience of the person to be removed, and the peace and security of the British territories in the East-Indies, and of the allies of his Majesty and the East-India Company, and of any neighbouring princes or states; and in the mean-time and until such person can be conveniently and properly removed, it shall and may be lawful to detain him or her in such custody or under such guard as the person by whose authority he or she shall have been apprehended or shall be detained shall see fit and necessary, so as that the person detained may be put to as little inconvenience as shall be consistent with the object of his or her detention; and in case any such person, having removed him or herself in pursuance of any such notice, or having been so removed, shall again wilfully return to any country or place from which he or she shall have had notice to remove, without the consent of the government or chief officer of the place to which he or she shall so return, it shall and may be lawful to and for the Governor-general in Council, or Governor in Council, or chief officer of the place where such person shall be found, to cause such person to be apprehended and detained in safe custody, until he or she shall be discharged out of custody, upon such terms and conditions as the Governor-general in Council, Governor in Council, or other chief officer at the place where he or she shall be detained, shall deem sufficient for the peace and security of the British territories, and of the allies of his Majesty and of the East-India Company, and of the neighbouring princes and states.

VII. And be it further enacted, that it shall be lawful to carry into execution any warrant or authority for the apprehension, detention or removal of any such person or persons as aforesaid, notwithstanding he, she, or they may be in custody, or delivered to bail, or in execution on any civil process, and notwithstanding any licence, privilege or protection whatsoever; any law, statute, or usage to the contrary notwithstanding: provided always, that no British subject, nor any native of the British territories in India, or within the limits of the Charter of the said Company, shall be apprehended, detained, or removed, by virtue of any of the provisions herein contained, nor shall any thing herein contained in anywise alter or affect any law or statute under or by virtue of which any British subject may resort to or is restrained from resorting to the East-Indies: provided also, that it shall not be lawful to apprehend, detain or remove any person being the subject of any foreign state, under or by virtue of this Act, in any way inconsistent with any treaty made or to be made by his Majesty or the East-India Company, and to the benefit of which such person shall be entitled.

Warrant or authority for apprehension.

VIII. And whereas by an Act passed in the thirty-seventh year of his Majesty's reign, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India," it was enacted among other things, that it should be lawful for his Majesty, his heirs

Judges' Pensions. 37 G. 3, c. 142.

and successors, under certain limitations in the said Act expressed, to direct the payment of a yearly sum out of the territorial revenues in India to any Chief Justice or other Judge of the Supreme Court of Judicature at Fort William in Bengal, who should have resided in India as Judge of the said Supreme Court for seven years, and to any Recorder of the Court of Judicature at Bombay, who should have resided in India as such Recorder(1) for five years, and who, from age, infirmity, or other cause, to be approved by his Majesty, his heirs or successors, should return to Europe, not exceeding to any such Chief Justice two thousand pounds per annum, to any such Judge fifteen hundred pounds per annum, or to any Recorder of Bombay(1) twelve hundred pounds per annum: and whereas also by the Act herein-before mentioned of the thirty-ninth and fortieth year of his Majesty's reign, it was enacted, that it should be lawful for his Majesty, his heirs, and successors, under certain limitations therein also expressed, to direct an allowance from the said revenues to any Chief Justice or Judge of the Supreme Court of Judicature at Madras, who should have resided in India for seven years, either as Chief Justice or Puisne Judge of the said Court at Fort William, or of the said Court at Madras, and should return to Europe, for any such cause, and with such approbation as aforesaid, not exceeding to such Chief Justice sixteen hundred pounds per annum, nor to such Puisne Judge twelve hundred pounds per annum: and whereas it is expedient that provision should be made respecting the said allowances, in case of the promotion or removal of any person from any of the said Courts to any other thereof, and also in case of the resignation of any Chief Justice, Judge, or Recorder (1) of any of the said Courts, with the approbation of his Majesty, although the person so resigning should not return to Europe; be it therefore enacted, that where any person shall have resided in India seven years, (2) either as Chief Justice or Judge of his Majesty's Supreme Courts of Fort William or Madras, or Recorder (1) of Bombay, and shall, from age, infirmity, or other cause, to be approved of by his said Majesty, resign such office, it shall be lawful for his Majesty to direct the payment out of the territorial revenues, to such person, of a yearly sum not exceeding the highest rate of allowance limited by the said Acts (2) to such one of the said offices of Chief Justice or Judge at Fort William, Chief Justice or Judge at Madras, or Recorder (1) at Bombay, as the said person shall have filled, provided he shall have filled the same for four years at the least; (2) and that such allowance shall be payable to such person, although he shall not return to Europe: provided, that if such person be thereafter re-appointed to any of the said offices, such payment shall from thenceforward cease.

(1) [There is now no Recorder at Bombay; a Supreme Court having been established under 4 Geo. 4, cap. 71.]

(2) [The amount of retiring pensions and period of residence required as a qualification have been varied by later enactments. The existing provisions with regard to both will be found in 6 Geo 4, cap. 85, secs. 7 to 12.]

No action to be commenced against the Company until after twenty days' notice; nor after three years after the cause of complaint

IX. And be it further enacted, that no action or suit shall be commenced against the said United Company, or any of their servants, or any person or persons whomsoever, for anything done in pursuance or under colour of this Act, until twenty days' notice shall have been given to the said Company, or to the person or persons respectively against whom the same is to be brought, or after a sufficient satisfaction or tender thereof shall have been made to the party or parties aggrieved, nor after three years next after the cause of complaint shall have arisen;

and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, (1) and that the same was done in pursuance and by authority of this Act; and if it shall appear to be so done, or that a sufficient satisfaction or tender thereof hath been made before the commencement of such action or suit, or that such action or suit hath been commenced after the time limited for bringing the same, or in any other manner than as directed by this Act, the plaintiff or plaintiffs shall become nonsuited; and in such case, or in any other cases wherein the plaintiff or plaintiffs shall become nonsuited, or discontinue his or their action or suit after the defendant or defendants shall have appeared, or wherein judgment shall be given against such plaintiff or plaintiffs upon demurrer, or objection in nature of a demurrer, or where a verdict, or judgment in nature of a verdict, shall pass for the defendant or defendants, he or they shall have treble costs awarded, to be paid by the respective plaintiff or plaintiffs in such action or suit.

(1) [See 10 Geo. 3, cap. 47, secs. 5 and 7.]

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55 GEORGII III. Cap CXVI.

An Act *to make further Regulations for the Registry of Ships built in India.*

This Act was repealed partially by 4 Geo. 4, cap. 41, and entirely by 4 Geo. 4, cap. 80; but the effect of the following section was revived by 3 & 4 Vic. cap. 56, until the issue of a declaration by proclamation, which by the last-named Act the Governor-general in Council is authorized to make. See the Act last mentioned.

What ships do not require registry.

III. Provided always, and be it further enacted, that nothing in this or the said recited Acts or in any other Acts contained, shall subject any ship or vessel, built or to be built within the limits of the Charter of the said Company, which shall not be of the burthen of three hundred and fifty tons; or any ship or vessel built within the limits of the Charter of the said Company, now the property of any of his Majesty's subjects within the limits aforesaid, and employed in trade as heretofore solely within the said limits, including the Cape of Good Hope; or any ship or vessel which now is or at any time before the first day of January in the year one thousand eight hundred and sixteen shall be building within the limits aforesaid, on account of any of his Majesty's subjects within the said limits, and shall be employed in trade solely within the said limits, including the said Cape of Good Hope, to any penalty, forfeiture, disability, or impediment by reason of such ship or vessel not being registered, and not being British-built, or to affect the property or any transfer of property in any such ship or vessel as aforesaid which shall not be registered.

56 GEORGII III. Cap. LXXXII.

An Act *to render valid the Judicial Acts of Surrogates of Vice-Admiralty Courts abroad, during vacancies in Office of Judges of such Courts.* [25*th June*, 1816.]

Acts of Surrogates appointed by Judges, or by Governors of plantations and colonies, rendered valid.

Whereas it is requisite that due validity should be given to the judicial acts of Surrogates who have executed the offices of Judges in the Courts of Vice-Admiralty established in his Majesty's plantations and colonies, during vacancies occasioned by the deaths or resignation or other removals of the said Judges, or who also shall hereafter execute the same during such vacation; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all judicial acts of Surrogates having been appointed to act as Judges during such vacancies, either by Judges of the said Courts previously to their removal, or, in default of such appointment, by the Governors of the plantations and colonies in which such Courts shall be, shall have the same force and validity, and shall be subject to the same course of appeal, as if the said acts had been done by the authority of Judges regularly appointed by the Lords Commissioners of the Admiralty.

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57 GEORGII III. Cap. LVII.

An Act *to empower his Majesty to suspend Training, and to regulate the Quotas of the Militia.* [30*th June*, 1817.]

Persons enlisting militia-men for the East-India Company's service subject to the penalties of recited Act.

III. And whereas doubts have arisen whether officers, serjeants, or other persons enlisting men to serve the United Company of Merchants of England trading to the East-Indies, are subject to the penalties, forfeitures, and provisions contained in the said recited Act of the forty-second year aforesaid, in relation to enlisting into his Majesty's other forces men enrolled or engaged to serve in the militia; and whether militia-men so enlisting, or militia-men offering themselves to serve for any other parish or place than the parish or place for which they are first enrolled, are within the provisions of the said Act contained in relation to offering to be enrolled in any other regiment, battalion, or company of militia; for remedy whereof, be it declared and enacted, that every officer, serjeant, or person who shall wilfully or knowingly enlist any man to serve the United Company of merchants of England trading to the East-Indies, who at the time of such enlisting shall be enrolled or engaged to serve in the militia, shall be and be deemed to be within the provisions of the said recited Act, and shall be subject to the penalties and forfeitures therein contained for enlisting militia-men to serve in his Majesty's other forces; and that every militia-man offering to enlist to serve the United Company of Merchants of England trading to the East-Indies, who shall deny to the officer, serjeant, or other person recruiting men for such service, that he is at the time of such offering a militia-man, or who shall offer himself to be enrolled and be enrolled as a militia-man for any other parish or place than the parish or place for which he

Militia-men offering to be enrolled for another parish subject to

shall be then enrolled and serving, although in the same regiment, battalion, or corps, shall be subject and liable to the provisions of the said Act contained for the punishment and subsequent service of militia-men offering to enlist in his Majesty's other forces, or to be enrolled and serve in any other regiment, battalion, or corps of militia; any thing in the said recited Act contained to the contrary notwithstanding. punishment under recited Act for enlisting into another regiment, &c.

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58 GEORGII III. Cap. LXXXIII.

An Act *to amend and reduce into one Act the several Laws relating to the manner in which the East-India Company are required to hire Ships.* [*5th June*, 1818.]

The discontinuance of the Company's trade renders most of the provisions of this Act temporarily inoperative. As, however, they are recognized as By-Laws of the Company (see By-Laws, chap. 2, sec. 3, in Appendix), it has been deemed proper to give them insertion here.

Whereas by an Act of Parliament passed in the thirty-ninth year of the reign of his present Majesty, intituled, "An Act for regulating the Manner in which the United Company of Merchants of England trading to the East-Indies, shall hire and take up Ships for their regular Service;" and by another Act of Parliament, passed in the fiftieth year of the reign of his said present Majesty, intituled, "An Act to amend Two Acts passed in the Thirty-ninth and Forty-third Years of the Reign of his present Majesty, for regulating the Manner in which the East-India Company shall hire and take up Ships;" and by another Act of Parliament, passed in the fifty-first year of the reign of his said present Majesty, intituled, "An Act for making further provision for the Payment of Salaries and other Charges in the Office of the Commissioners for the Affairs of India; and for enabling the East-India Company to restore to the Service of the said Company Military Officers removed therefrom by Sentences of Court Martial; and to authorize the said Company, in Case of unforeseen Emergency, to take up Ships by private contract;" various provisions, regulating the manner in which the said United Company shall hire and take up ships for their service, are now in force: and whereas it is expedient that the laws relative to the manner of hiring ships for the said United Company's service should be amended, and reduced into one Act: and whereas the fluctuation of prices of naval stores, and of other articles incident to the equipment of ships in times immediately following the termination of war, has been such as to render the calculations upon which the contracts for peace freight have from time to time been made, greatly erroneous and insufficient, and the performance of such contracts has in consequence thereof been found so injurious to the contracting parties, that the Court of Directors of the said United Company of Merchants of England trading to the East-Indies have in two instances, *videlicet*, after the termination of war in one thousand eight hundred and two, and after the termination of war in one thousand eight hundred and fifteen, presented petitions to the House of Commons, praying that Parliament would authorize and empower the said Company to make allowances to the owners of several ships hired by them under the provisions of the said Acts, over and above the prices to which the said owners were entitled by

39 G. 3, c. 89.

50 G. 3 c. 86.

51 G. 3, c. 75.

their contracts; and Parliament has in the said instances complied with the prayer of the said petitions: and whereas it is highly inexpedient that the revision and alteration of contracts by authority of Parliament, on whatever plea or pretext, should grow into precedent: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the whole of the said Acts made and passed in the thirty-ninth and fiftieth years of the reign of his said present Majesty, and so much of the said Act made and passed in the fifty-first year of the reign of his said present Majesty as relates to the hiring of ships by the said United Company, shall be and the same are hereby repealed: provided always, that the repeal of the said Acts shall in nowise be construed to affect any contract or agreement made or entered into under or in pursuance of any the said Acts, but all such contracts or agreements shall be carried into execution in the same manner as if this Act had not been made and passed.

39 G. 3, c. 89, and 50 G. 3, c. 86, and so much of 51 G. 3, c. 75, as relates to the hiring of ships, repealed.

Regulations for hiring ships built for the service of the Company.

II. And be it further enacted, that from and after the passing of this Act, the said United Company or their Court of Directors shall not hire or take up on freight, for the service of the said Company, any ship or ships other than such as shall be contracted for or hired in manner herein-after mentioned; that is to say, that from time to time whenever the said United Company shall have occasion to contract for the hire of any ship or ships to be built for their service, the Court of Directors of the said United Company shall give notice thereof by public advertisement, and therein state the burthen of the ship or ships wanted, the dimensions or scantlings of timbers and planks, number of guns, manner of building, providing, furnishing, and storing such ships, the time to be allowed for building (which shall be as long as reasonably may be), and other particulars necessary to enable persons to judge of the expense thereof, and the proper rate of freight for such ships respectively, or shall refer to printed terms and conditions to be delivered by their proper officer; and the said advertisement shall fix a time, not less than four weeks from the publication thereof, for receiving proposals in writing, sealed up, for building and freighting the same to the said Company; such proposals to specify the lowest rates of freight for each and every voyage in time of peace required for such ships, for such number of voyages, not less than six, as the said Court of Directors shall see fit from time to time to fix, to and from India or China, or elsewhere within the limits of the Charter of the said United Company, to be employed in trade and in warfare or otherwise, as shall be thought proper by the said Company if the said ships respectively shall so long be fit for the Company's service; and that all the tenders or proposals which shall be made in pursuance of such notices, shall be put into a box locked and sealed, which shall not be opened except publicly in a Court of Directors, and the contents of such proposals respectively shall be entered in a book, and the proposals offering the lowest peace freight shall be accepted without favour or partiality, subject to the several provisions in this Act contained; and in case more ships than shall be wanted at the time of considering such proposals, shall be tendered to be built at the same low freight, then the Court of Directors shall determine by lot which of the said proposals shall be accepted, and the same shall be accepted accordingly, subject to the several provisions in this Act contained.

Court of Directors may engage ships for a limited number of voyages after the expiration of their contracts.

III. And whereas it may happen that ships which may have been built for the service of the said United Company, and which have performed or completed, or hereafter may perform or complete, the number of voyages for which they have been or hereafter may be contracted to serve the said Company, may be in sound and proper condition to perform a further voyage or further voyages in the service of the said United Company; be it therefore further enacted,

that it shall and may be lawful to and for the Court of Directors of the said United Company, if they shall see fit, in the manner and according to the provisions herein contained, as to hiring ships to be built for the service of the said Company, to advertise for proposals for any such ships which have performed and completed, or hereafter shall have performed and completed the contracts by which they were built for the said United Company, again to be tendered for the service of the said United Company; and that it shall and may be lawful to and for the said Court of Directors again to hire and take up any such ship or ships so tendered for the service of the said United Company, for an additional voyage, or for such number of additional voyages to and from India or China, or elsewhere within the limits of the Charter of the said United Company, as the said Court of Directors shall see fit, beyond and after the performance of the voyages for which any such ship or ships respectively have been or shall be engaged by any prior contract or contracts to serve the said Company; provided that all such ships shall be fit or shall be capable of being repaired and made fit to serve the said Company for such additional voyage or voyages: provided always, that the peace freight and additional allowance to be paid for any such ship or ships to be taken up for any additional voyage or voyages shall not exceed the rate of peace freight paid for such ships respectively under the last contracts respectively by which they have been engaged in the service of the said United Company, together with such additional allowance as she might eventually be entitled to under this Act, in respect of any voyage for which she might be afloat to proceed upon in time of peace.

Besides the peace freight, an allowance may be made in respect of charges arising to owners in time of war.

IV. And be it further enacted, that over and besides the peace freight for ships built or to be built and hired, or to be hired for the service of the said United Company, the Court of Directors of the said Company shall be at liberty to make such allowances to the owners of the said ships, from voyage to voyage, in respect of the additional charges, if any, arising to the said owners in time of war or hostilities, or of preparations for war or hostilities, as the said Court of Directors shall think right and just.

Tables of the average current prices of building and outfit for ships, and of the probable expense for several voyages for which any ship shall have contracted, which tables shall be hung up in the India-House.

V. And be it further enacted, that the Court of Directors of the said United Company shall and they are hereby required to cause to be prepared, once in every year, by the master attendant or other proper officer or officers of the said United Company, tables of the average current prices for the time being of the articles of building and outfit for ships to be engaged in the service of the said United Company, and tables of the probable total cost and expense of such building and outfit for the several voyages for which any ship or ships shall have been contracted for or hired, distinguishing the probable expense of each voyage of ships of the different sizes actually engaged or which may be engaged in the service of the said Company; which tables, when signed by the master attendant or other proper officer or officers of the said United Company, and when approved and allowed by their Court of Directors, shall be fairly transcribed and signed by the secretary or assistant secretary of the said Company, by order of the said Court of Directors, and shall be left or hung up in some public office in the East-India House, for the perusal and inspection, at seasonable times and in a reasonable manner, of all persons whom it may concern, with liberty for them, at such times and in such manner as aforesaid, to make and take copies and extracts thereof; and the first of such tables or sets of tables shall be made and completed within four months next after the passing of this Act, and afterwards such tables or such sets of tables shall from time to time be made and completed between the first day of June and the first day of October in every year.

After conclusion of war, ships coming afloat to proceed on

VI. And be it further enacted, that from and after the conclusion of any war or hostilities which may hereafter take place, when any ship which now is or hereafter shall be in the ser-

voyage shall have tables of current prices of outfit.

vice of the said United Company, under or by virtue of any contract made or entered into since the twentieth day of November one thousand eight hundred and fifteen, or hereafter to be made or entered into, shall come afloat, to proceed upon any voyage in execution of any such contract in time of peace, then the Court of Directors shall cause, as to all ships now in the service of the said United Company, the tables or sets of tables first to be completed, approved, and allowed after the passing of this Act, as herein-before mentioned; and as to all ships which shall hereafter be contracted for in time of peace, the tables or sets of tables which shall have been completed, approved, and allowed next immediately before such ships shall have been respectively contracted for; and as to all ships which hereafter shall be contracted for in time of war or hostilities, or of preparations for war or hostilities, the tables or sets of tables which shall have been completed, approved, and allowed next immediately before the commencement of such war or hostilities, or of such preparations for war or hostilities, to be compared with the tables or sets of tables which shall have been completed, approved, and allowed next before such ships shall come afloat in time of peace to proceed on such voyage; and if it shall appear on such comparison that the probable cost of the outfit of such ship for the voyage on which such ship shall be about to proceed, shall exceed the amount estimated by the tables or sets of tables with which such comparison shall be made, as the probable cost of outfit of a ship of the same or as nearly as may be of the same size for a similar voyage, by one-tenth part of such last-mentioned amount, then the owners of such ship shall be entitled for that voyage to an additional allowance, at a rate which, calculated upon the chartered tonnage of such ship, shall be equal to such probable excess, to be determined finally and conclusively by order of the said Court of Directors: provided always, that the owner or owners of such ship shall have entered into an agreement with the said Court of Directors, that if upon such comparison as aforesaid the probable cost of the outfit of such ship for such voyage as aforesaid shall be found to fall below the amount estimated by the tables or sets of tables aforesaid by one tenth part of such last-mentioned amount as aforesaid, then the said Court of Directors shall be at liberty to make an abatement from the freight to which such ship would be entitled under its contract, at a rate which, calculated upon the chartered tonnage of such ship, shall be equal to such probable diminution of cost of outfit; the said abatement to be in like manner determined finally and conclusively by the said Court of Directors: provided always, that the owners of the several ships which are already in the service of the said United Company under contracts made since the twentieth day of November, one thousand eight hundred and fifteen, shall not be entitled to any such additional allowance, nor subject to any such abatement, until after a war or hostilities shall have taken place and have been concluded: provided also, that the owners of ships hereafter to be contracted for in time of peace to enter into the service of the said United Company shall not be entitled to any such allowance, nor subject to any such abatement, in respect of any voyage to be performed during the continuance of the peace in which the several contracts for such ships shall have been entered into: provided also, that such owners of ships hereafter to be contracted for in time of war or hostilities to enter into the service of the said United Company, as shall have entered into such agreement as before mentioned, shall be entitled to a comparison of the costs of their outfits respectively, and to any eventual additional allowance which may become due to them thereupon in respect of every voyage which the said ships shall respectively come afloat to proceed upon in time of peace: provided always, that no additional allowance shall be payable in time of peace to the owners of any ship, under or by virtue of this Act, for any voyage in respect of which the owners of such ship shall be entitled, under or by virtue of this or any former Act, to any payment in respect of any additional charges arising in time of war or hostilities, or of preparations for war or hostilities: provided also, that any time when owners of ships shall not be so entitled to any payment in respect of any

In what case abatement to be made.

And in what cases abatements are not to be made.

additional charges arising in time of war or hostilities, or of preparations for war or hostilities, shall be deemed and considered a time of peace within the meaning of this Act: provided always, that the additional charges (if any) which may be incurred by reason of any ship being built during a time of war or hostilities, or of preparations for war or hostilities, shall and may be paid to the owners of such ship, although she may come afloat to proceed on her first voyage in time of peace.

VII. And be it further enacted, that in cases of unforeseen exigency, which cannot be answered conveniently by any ship or a sufficient number of ships in the service of the said Company, and which will not admit of delay, it shall and may be lawful to and for the said Court of Directors, or for any one of their several governments abroad, to hire any ship or ships which can be procured to answer such exigency; provided that public notice shall be given by advertisement of the ships and tonnage wanted and the service required, fourteen days at least previous to the time appointed for taking up the same; and the proposals to be made in pursuance of such advertisement shall be put into a box locked and sealed, which shall not be opened except publicly in a Court of Directors, or by the Governor and Council or chief agents of the said Company at any place within the limits of the Charter of the said Company where it shall be necessary to hire any such ship or ships; and then the lowest tender or tenders shall be accepted, without favour or partiality, if it or they shall be deemed reasonable, and if upon a due examination and survey the ship or ships tendered shall appear in all respects fit for the service required: provided always, that the engagement or employment of such ships shall not extend beyond the duration of the particular service for which they shall have been specifically hired.

Court of Directors may take up ready-built ships for their service, in case of unforeseen exigency.

VIII. Provided also, and be it further enacted, that it shall and may be lawful to and for the Court of Directors of the said United Company, or their said Governments abroad, in cases of unforeseen and pressing exigency, to hire and take up by private contract, with or without advertising, any ship or ships whatsoever for any particular purpose: provided that no such ship shall be hired or taken up for more than one voyage, and that the reasons for taking up any such ship or ships at home in less time than fourteen days as aforesaid after the publication of an advertisement, be stated in the minutes of the said Court of Directors and reported to the Court of Proprietors that shall next be holden after such hiring and taking up; and that the reasons for taking up any such ship or ships abroad in less time than fourteen days after the publication of an advertisement as aforesaid, be stated in the minutes of the proceedings of the government by which such ship or ships shall be taken up, and be communicated to the Court of Directors as soon as conveniently may be afterwards.

In cases of unforeseen exigency, ships may be taken up for one voyage by private contract.

IX. Provided always, and be it further enacted, that it shall and may be lawful to and for the said Court of Directors of the said United Company to hire and take up by private contract, without advertising, any ship or ships engaged or to be engaged in his Majesty's transport or other service, to carry convicts or stores to New South Wales, the Cape of Good Hope, or Ceylon, or elsewhere within the limits of the Charter of the said United Company, for the purpose of bringing cargoes from China or India, at such rate of freight and demurrage as they shall judge to be reasonable, so as no such ship shall be hired or taken up for more than one voyage.

Court of Directors may hire by private contract, for voyages from China or India, ships going out in the transport or other public service.

X. Provided always, and be it further enacted, that it shall and may be lawful to and for the Court of Directors of the said United Company, if they shall see fit, in the manner and

Court of Directors may take up ships whether built for the

service or not, or whether new ships or ships employed before for a voyage out or home, to any place except China.

according to provisions herein contained as to hiring ships to be built for the service of the said Company, to advertise for, hire, and take up for trade and warfare and any other service, or for trade only, or for any specific purpose, as the said Court of Directors shall see fit, any ship or ships, whether built expressly for the service of the said United Company or any other service, and whether new ships or ships which shall have been then before employed in any service whatsoever, so as the registered measurement of such ships shall not be more than eight hundred tons, for one voyage, or for a voyage out or a voyage home, as the said Court shall think proper, to and from, or to or from any ports or places, port or place whatsoever, within the limits of the said Company's Charter, except the dominions of the Emperor of China.

But not to authorize the employment of any ship under the measurement prescribed by 53 G. 3. c. 155.

XI. Provided also, and be it further enacted, that nothing in this Act contained shall authorize the employment by the said Company of any vessel, the registered measurement of which vessel shall be under the burthen prescribed (1) by an Act of the fifty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice, within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter;" or which may be prescribed by any Act hereafter to be passed for vessels carrying on trade between the United Kingdom and the places within the limits of the East-India Company's Charter.

(1) [350 tons.]

Provision for building a ship in room of one lost.

XII. Provided also, and be it further enacted, that in case any ship which now is, or which since the twentieth day of November, one thousand eight hundred and fifteen hath been, or which hereafter shall be engaged in the service of the said United Company, under a contract to serve the said Company for six voyages, hath been or shall be lost or captured before the completion of her fifth voyage, if upon a full investigation of the circumstances of such loss by the said Court of Directors or some Committee thereof, the commander and owners of such ship shall be fully acquitted from all imputation of neglect or misconduct in respect of such loss, in the opinion of eighteen Directors at least, at a Court specially assembled for the purpose of taking the said commander's and the owner's conduct into consideration: provided always that such vote or resolution of the Court of Directors shall be reported to a general Court of Proprietors, and after such report such vote or resolution of the said Court of Directors shall be confirmed, by way of ballot, by three parts in four of the Proprietors, assembled in general Court specially convened for that purpose, whereof eight days previous notice of the time and purpose of such meeting shall be given in the *London Gazette*, then if such commander shall be then living, or if he shall be dead, then if the chief officer of the said ship shall be living (having already performed one voyage at least as chief or second officer), and should have exerted himself honourably for the defence and safety of the lost ship, either in fight or distress at sea, and shall be acquitted in manner herein-before mentioned from all imputation of neglect or misconduct in respect of such loss, and such acquittal shall also be confirmed in manner herein-before mentioned, from all imputation of neglect or misconduct in respect of such loss, and such acquittal shall also be confirmed in manner herein-before mentioned, then it shall and may be lawful for the said Court of Directors, on behalf of the said United Company, to enter into an agreement with the owners of such ship so lost, or their representatives; or if such owners or their representatives should omit or decline for

the space of three calendar months after the said vote of acquittal to enter into such agreement, then it shall be lawful for the said Court of Directors, on behalf of the said United Company, to enter into an agreement with any person or persons of sufficient responsibility, and able to give reasonable security, who shall be nominated in writing under the hand of the commander of such lost ship, if such commander shall be living and able to serve, and if not, then with any person or persons of sufficient responsibility, and able to give reasonable security, who shall be nominated in writing under the hand of the chief officer of such lost ship, if he shall be living and able to serve, to build another ship of such size as the said United Company shall have occasion for, to be employed by them for six or more voyages, as shall be agreed by the said Court of Directors, at the lowest rate of peace freight, with the benefit of such other allowances as are provided or permitted by this Act to be paid, which shall be payable in respect of a ship of a similar size, or as near as may be of a similar size to the ship about to be built, which shall have been contracted for, for six voyages at least, last before the contract for the ship instead of such lost ship, shall be entered into: provided always, that such ship so to be built instead of such lost ship, shall be commanded in the first instance by the captain of the lost ship, if he shall be living and able to serve, and failing of him, by the said chief officer of the lost ship, if he shall be living and able to serve; and unless either the commander or chief officer of the lost ship shall be living and able to serve, when the contract for building a ship instead of the lost ship shall be entered into, it shall not be lawful for the said United Company or their Court of Directors, to enter into any agreement for building a ship instead of such lost ship, otherwise than by public competition as herein before mentioned.

Command to be given to the Captain of the lost ship, &c.

XIII. Provided also, and be it further enacted, that nothing herein contained shall extend or be construed to extend to oblige the said Court of Directors, or any of the Governments of the said Company abroad, upon any occasion, to accept any tender or tenders, proposal or proposals, which they shall deem to be unreasonable, and for the performance of which reasonable security shall not be given; or to enter into any agreement on any such proposal, although such tender or tenders, proposal or proposals may be the lowest and most advantageous which may be offered; nor shall this Act or anything herein contained extend, or be construed to extend to vest in the owner or owners of any ship or ships, or any person or persons making or offering any tender or tenders, proposal or proposals, any right or pretension which such owner or owners, person or persons, would not have had if the several provisions hereby repealed or this Act had not been passed.

Court of Directors shall not be obliged to enter into any unreasonable contract, &c.

XIV. Provided also, that nothing herein contained shall extend, or be construed to extend, in anywise to relate to any of the ships or vessels belonging to or employed in the marine war establishment of the said United Company in the East-Indies; but it shall and may be lawful to and for the said United Company and their Court of Directors, and servants abroad, to hire, take up, and employ vessels for those purposes only, in such manner as they shall see fit; nor shall this Act extend, or be any ways deemed in any way to prevent the said United Company or their Court of Directors, or any of their officers or servants, from causing any goods to be loaded and carried on their account on board any private ship or vessel, though not chartered to or in the service of the said United Company.

Act not to extend to vessels belonging to marine war establishments in India; nor to prevent the Company from consigning goods by private ships.

XV. Provided also, and be it further enacted, that all and every and so much and such parts of the by-laws, rules and regulations of the said United Company and of their Court of Directors now in force, and hereafter to be made, any way relating to shipping concerns

Company's by-laws, where not inconsistent with this Act, to remain in force.

of the said Company, and to the Commanders and officers in their service, which are not or shall not be inconsistent with or repugnant to the provisions hereby enacted, shall remain and be of the same validity, force and effect, and shall be observed in like manner to all intents and purposes, as the same by-law, rules, and regulations, or such parts thereof as aforesaid, would have been in force, and ought to have been observed, if this Act had not been made, or to restrain the said Company from repealing or making any by-laws, so as they shall not be inconsistent with the provisions herein contained; this Act or anything herein contained to the contrary thereof in anywise notwithstanding.

Section 16 (the last in the Act) is omitted, as its purpose is only to provide for granting extraordinary allowances to the owners of certain specified ships.

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58 GEORGII III. Cap. LXXXIV.

An Act *to remove Doubts as to the Validity of certain Marriages had and solemnized within the British Territories in India.* [*5th June*, 1818.]

Whereas doubts have arisen concerning the validity of marriages which have been had and solemnized within the British territories in India, by ordained ministers of the Church of Scotland as by law established: and whereas it is expedient that such doubts should be quieted, and that the law respecting such marriages should be declared for the future; be it declared and enacted; and it is hereby declared and enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all marriages heretofore had and solemnized, or which shall be had and solemnized within the said territories in India, before the thirty-first day of December now next ensuing, by ordained ministers of the Church of Scotland as by law established, shall be, and shall be adjudged, esteemed, and taken to have been, and to be, of the same and no other force and effect as if such marriages had been had and solemnized by clergymen of the Church of England, according to the rites and ceremonies of the Church of England; and that from and after the said thirty-first day of December now next ensuing, all marriages between persons, both or one of such persons being members or member of or holding communion with the Church of Scotland, and making a declaration to the effect herein-after mentioned, which marriages shall be had and solemnized within the British territories in India, by ordained ministers of the Church of Scotland as by law established, and appointed by the United Company of Merchants of England trading to the East-Indies to officiate as chaplains within the said territories, shall be, and shall be adjudged, esteemed, and taken to be, of the same and no other force and effect as if such marriages were had and solemnized by clergymen of the Church of England, according to the rites and ceremonies of the Church of England: provided always, that from and after the said thirty-first day of December, no such marriage as aforesaid shall be had and solemnized, till both or one of such persons, as the case may be, shall have signed a declaration in writing, in duplicate, stating that they, or

Marriages solemnized in India before 31st December by ministers of the Church of Scotland to be of the same force as if solemnized by clergymen of the Church of England: and after that period, marriages between persons of the Church of Scotland by ministers of that communion and appointed by the East-India Company, to be valid.

Declaration to be made by parties.

he or she, as the case may be, are or is members or member of or holding communion with the Church of Scotland by law established.

II. And be it further enacted, that the minister by whom such marriage shall be solemnized, shall, immediately upon the solemnization thereof, certify such marriage by a writing under his hand in duplicate, subjoined to or indorsed upon the declaration in duplicate herein-before mentioned, specifying in such certificate the names and descriptions of the parties between whom and of the witnesses in whose presence the said marriage has been had and solemnized, and the time and place of the celebration of the same; and such certificate in duplicate shall be also signed forthwith by the parties entering into such marriage, and by the witnesses to the same; and the minister officiating shall deliver one duplicate of such declaration and certificate to the persons married, or to one of them, and shall transmit the other duplicate of such declaration and certificate to the Chief Secretary of Government at the presidency within which such marriage shall have been had and solemnized.

Minister shall certify the marriage; and shall deliver a duplicate of the certificate to the party, and transmit another to the secretary of the presidency.

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59 GEORGII III. Cap. XXV.

An Act *to enable his Majesty to fix the Rate and direct the Disposal of Freight Money, for the Conveyance of Specie and Jewels on board his Majesty's Ships and Vessels.* [*8th April,* 1819.]

Whereas it is expedient that his Majesty should be authorized to fix the rate and direct the disposal and distribution of freight money for the conveyance of specie and jewels on board his Majesty's ships and vessels; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all freight money to be paid for the conveyance in any of the ships and vessels of his Majesty, his heirs and successors, of gold, silver and jewels, or of any other article which may be by special order received on board the said ships and vessels, and for which freight shall be payable, shall be paid at such rate, and distributed and applied to such purposes, and divided to and amongst such persons in such proportions and after such manner as his Majesty, his heirs or successors, shall from time to time think fit to order and direct, by any proclamation or proclamations to be issued for that purpose; and that no freight money or reward shall hereafter be demanded, paid, received or retained, by, to, or for the use or on account of any person or persons, for the conveyance on board of any of the ships or vessels of his Majesty, his heirs or successors, of any gold, silver, or jewels, or any other article, which may be by special order received on board the said ship or vessel, and for which freight shall be payable, other than for the purposes and by the person or persons, in the proportion, at the rates, and in the manner so to be paid and allowed by proclamation or proclamations; and that all bargains, contracts, covenants and agreements, made or entered into, or hereafter to be made or entered into, for the payment of any freight money for or in the name or on the account of freight for the conveyance of gold, silver, or jewels, or other articles as aforesaid, on board any of his Majesty's ships or vessels, at any oth r

All freight to be paid for the conveyance on board his Majesty's ships and vessels, of gold, silver, or other valuable articles, shall be divided in the manner directed by proclamation.

rate, or for any other purpose, or by or to any other person or persons, or in any other manner or proportions than as aforesaid, shall be and the same are hereby declared to be utterly void.

In January, 1838, the Lords of the Admiralty, on the application of the Board of Commissioners for the affairs of India, determined that the rate of freight for the conveyance of Company's treasure on board her Majesty's ships, whether between England and India, or from one port to another in India or China, should be the same as that paid for the transfer of treasure belonging to the British Government.

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59 GEORGII III. Cap. LIV.

An Act *to carry into Effect a Convention of Commerce concluded between his Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal.* [*2d July*, 1819.]

Vessels of American-build allowed to clear out for the British settlements in the East-Indies subject to the same regulations as British-built vessels.

VI. And whereas it is expedient that vessels built in the countries belonging to the United States of America, or any of them, or condemned as prize there, and being owned and navigated as herein-before mentioned, should be allowed to clear out from any part of the United Kingdom for the principal settlements of the British dominions in the East-Indies, *videlicet*, Calcutta, Madras, Bombay, and Prince of Wales' Island, with any articles which may legally be exported from the United Kingdom to the said Settlements in British-built ships; be it therefore further enacted, that all vessels built in the said United States of America, or any of them, or condemned as prize there, and being owned and navigated as herein-before mentioned, shall be allowed to clear out from any port of the United Kingdom for the following principal settlements of the British dominions in the East-Indies, *videlicet*, Calcutta, Madras, Bombay, and Prince of Wales' Island, with any goods, wares, or merchandize which may be legally exported from the United Kingdom to the said settlements in British-built vessels, subject to the like rules and regulations, restrictions, penalties, and forfeitures, as are now by law imposed upon the exportation of such goods to the said settlements in British-built ships; any law, custom, or usage to the contrary notwithstanding.

Continuance of Act.

XII. And be it further enacted, that this Act shall continue in force so long as the aforesaid further convention between his Majesty and the United States of America, and the aforesaid treaty between his Majesty and his royal Highness the Prince Regent of Portugal, and so long as any treaty to be made with any foreign power with the similar provision herein-before recited, shall respectively continue in force.

59 GEORGII III. Cap. LX.

An Act *to permit the Archbishops of Canterbury and York, and the Bishop of London, for the time being, to admit Persons into Holy Orders specially for the Colonies.* [2*d July*, 1819.]

Whereas it is expedient that the Archbishops and Bishops of this realm should from time to time admit into holy orders persons specially destined for the cure of souls in his Majesty's foreign possessions, although such persons may not be provided with the title required by the canon of the Church of England of such as are to be made ministers: and whereas it will greatly tend to the advancement of religion within the same, that due provision shall be regularly made for a supply of persons properly qualified to serve as parsons, vicars, curates, or chaplains; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for the Archbishop of Canterbury, the Archbishop of York, or the Bishop of London, for the time being, or any bishop especially authorized and empowered by any or either of them, to admit into the holy orders of deacon or priest any person whom he shall upon examination deem duly qualified specially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity in his Majesty's colonies or foreign possessions and residing therein, and that a declaration of such purpose and a written engagement to perform the same under the hand of such person, being deposited in the hands of such archbishop or bishop, shall be held to be a sufficient title with a view to such ordination; and that in every such case it shall be distinctly stated in the letters of ordination of every person so admitted to holy orders, that he has been ordained for the cure of souls in his Majesty's foreign possessions.

Archbishop of Canterbury or York, or Bishop of London, or any bishop specially authorized by any of them, may ordain specially for the colonies.

The fact to be stated in the letters of ordination.

The remaining sections relate to the ecclesiastical privileges and disabilities in Great Britain and Ireland of persons thus ordained.

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59 GEORGII III. Cap. LXIX.

An Act *to prevent the Enlisting or Engagement of his Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping, in his Majesty's Dominions, Vessels for Warlike Purposes, without his Majesty's Licence.* [3*d July*, 1819.]

XII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to subject to any penalty any person who shall enter into the military service of any prince, state, or potentate in Asia, with leave or licence, signified in the usual manner, from the Governor-general in Council, or Vice-president in Council, of Fort William in Bengal, or in conformity with any orders or regulations issued or sanctioned by such Governor-general or Vice-president in Council.

Penalties not to extend to persons entering into military service in Asia.

1 GEORGII IV. Cap. XXXV.

An Act *for the better securing Monies and Effects paid into the Court of Exchequer at Westminster, on Account of the Suitors of the said Court, and for the Appointment of an Accountant-general and Two Masters of the said Court; and for other purposes.* [*8th July*, 1820.]

Order of the Court of Exchequer at Westminster, 17th July, 1747, as to securing of the suitors' money.

Whereas his Majesty's Court of Exchequer at Westminster did, on the seventeenth day of July one thousand seven hundred and forty-seven, make an order touching the money belonging to the suitors of that Court, whereby after reciting that his Majesty's remembrancer of the said Court and his deputy, had informed the said Court, that there were standing in the name of the said deputy, in the books of the Governor and Company of the Bank of England, and in the books of the South Sea Company, divers sums in certain stocks and annuities of the said Companies respectively, which had been purchased with the money of the suitors of the said Court, or were belonging to them, and that no declaration of trust had been or could be made in relation thereto, in the books of the said several Companies, without an order of the said Court for that purpose; it was ordered, that the said Deputy-remembrancer should cause the said sum to be transferred in the books of the said Companies into his name, as Deputy-remembrancer of the said Court, in trust to attend the orders of the said Court in the several causes to which the same respectively belonged; and that for the future all other sums of stock or annuities, or any other transferrable securities for the benefit of or belonging to the suitors of the said Court, should be in like manner transferred in trust to attend the orders of the said Courf, to be made in the several causes to which the same should respectively belong; and that the said Deputy-remembrancer should from time to time receive the dividends or interest to arise on all the said securities, in order to apply the same for the benefit of the suitors, pursuant to the orders of the said Court; and by the said order, certain other regulations were made for the conduct of the said Deputy-remembrancer in the sale and transfer of such stocks and securities, and the receipt of the dividends and interest thereon: and whereas several effects of the suitors of the said Court were and from time to time have been delivered into the Bank of England and elsewhere, and divers stocks, funds, and annuities were and have been transferred from time to time in the books of the Bank of England and elsewhere, South Sea Company, and East-India Company, into the name of the Deputy-remembrancer of the said Court for the time being, and are now standing in the said books in the name of Abel Moysey, Esq., the present Deputy-remembrancer of the said Court; but no declaration of trust relating thereto has been made in the books of the said several Companies, according to the said order, and large sums of money or securities for money belonging to the said suitors, are now in the hands, custody, or power of the said Abel Moysey; and it is expedient that a fit and proper person should be appointed to be Accountant-general of the said Court, in whose name all effects, stocks, funds, annuities, and securities belonging to the said suitors, might become and be from time to time securely vested for the use of the said suitors, and who might keep the account of the funds of the said suitors, but who should have no power to dispose of or otherwise intermeddle with such funds, further or otherwise than as hereinafter directed: be it therefore enacted by the King's most excellent Majesty, by and with the consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that from

Effects, &c. of suitors disposed of under recited order.

and after the passing of this Act, no sum or sums of money, stocks, funds, or securities whatsoever, belonging to the suitors of the said Court, shall be paid or transferred to or become vested in the said Deputy-remembrancer of the said Court, or the King's Remembrancer or his deputy for the time being, otherwise than as herein-after is directed; anything in the said recited order, or any law, usage, or custom of the said Court to the contrary in anywise notwithstanding.

No money, &c. shall be paid to Deputy-remembrancer, under said order, after the passing of this Act.

II. And, to the end that the accounts between the suitors of the said Court of Exchequer and the Governor and Company of the Bank of England, and every other body politic or corporate, or company whom it may concern, may be more regularly and plainly kept, and the state of such accounts be at all times seen and known; be it enacted, that as soon as may be after the passing of this Act, there shall be appointed by the Lord Chief Baron of the said Court of Exchequer, by writing under his hand and seal to be duly enrolled among the records of the said Court, one person who shall act and do all matters and things relating to the delivering, securing, and investing of the money and effects of the suitors of the said Court, and the payment, selling, and transferring of the same, and the keeping the accounts with the Bank of England, or any other body politic or corporate, or company, and other matters relating thereto; which said officer so to be appointed shall be called "The Accountant-general of the Court of Exchequer," and such person shall also be one of the masters of the said Court, and shall hold such offices during his good behaviour in the said offices; and accounts shall be raised and kept causewise in the books of the Bank of England, and of every other body politic or corporate, or company whom it may concern, to be respectively intituled "The Account of A. B., the Accountant-general of the Court of Exchequer," for and on behalf of the suitors of the said Court, in like manner as such accounts are kept between the Accountant-general of the Court of Chancery and the Bank of England, or any other body politic or corporate, or company, and all such rules, methods, and directions as by this Act are prescribed to the suitors of the said Court of Exchequer, or to the said Accountant-general of the said Court, or to the Governor and Company of the Bank of England, or any other body politic or corporate, or as shall or may be ordered or prescribed by the said Court of Exchequer, or by the Lord Chief Baron, or by the baron to be nominated and appointed by his Majesty, under and by virtue of the Act herein-after mentioned, from time to time, as to the delivering, securing, and investing, or the paying, selling, or transferring of the monies, stock, funds, securities, and effects of the suitors of the said Court of Exchequer, shall be observed by the suitors, the Governor and Company of the Bank of England, and every other body politic or corporate, or company, and the Accountant-general, under the provisions of this Act.

An Accountant-general of the said Court shall be appointed by the Lord Chief Baron of the Exchequer.

III. And, to the end that all misapplication or wasting of the suitors' money may be entirely prevented, be it therefore enacted, that the Accountant-general of the said Court of Exchequer for the time being shall not meddle with the actual receipt of any of the money or effects of the suitors of the said Court, but shall only keep the account thereof with the Governor and Company of the Bank of England, and every other body politic or corporate, or company whom it may concern; and such Accountant-general observing the rules by this Act prescribed, or hereafter to be prescribed to him by the said Court of Exchequer, shall not be answerable for any money or effects which he shall not actually receive; and the Bank of England, or such other body politic or corporate, or company, shall be answerable for all the monies and effects of the suitors which are or shall be actually received by them respectively.

Accountant-general not to meddle with the suitors' money, but only keep account with the Bank, &c.

Mortgages, &c. shall be taken, and remain in the name of the Accountant-general.

IV. And be it further enacted, that all mortgages, stocks, funds, annuities, and such other transferable securities, to be hereafter taken by the directions of the said Court, or of the Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, for the benefit of the suitors, shall, if appointed to be taken in the name of any officer of the said Court, be taken in the name of the said Accountant-general; and that in all such transferable securities to be hereafter taken in his name, the particular trust shall be specified and inserted in the security itself, and such other rules and methods of proceeding shall be had and observed with respect to such transferable securities by the Accountant-general and others, as in and by this Act are directed, or as shall be directed by the said Court of Exchequer, or by the Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, to be observed by the Accountant-general for the time being, and all other persons respectively.

All acts done by Accountant-general under order of Court, declared to be valid

V. And be it further enacted, that all Acts to be done by any such Accountant-general for the time being, under any order or orders, decree or decrees of the said Court of Exchequer, or of the Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, touching any real or personal estate, property, or effects, by this Act vested or intended to be vested in any such Accountant-general, and in succeeding Accountants-general, shall by force of this Act be deemed and taken to be valid and effectual to all intents and purposes whatsoever.

All funds and securities standing in the name of the present Deputy-remembrancer, shall become vested in and transferred to the account of the Accountant-general, upon his appointment.

VI. And be it further enacted, that when and so soon after the passing of this Act as any person shall be appointed to be Accountant-general of the said Court of Exchequer, all stocks, funds, annuities, and securities whatsoever, which at the time of the appointment of such Accountant-general shall be standing in the name of the said Abel Moysey, as the Deputy-remembrancer of the said Court, or of any Deputy-remembrancer of the said Court for the time being, in the books of the Bank of England, or in the books of the South Sea Company, or in the books of the East-India Company, or in the books of any body politic or corporate or company whatever; and all such Exchequer bills or other securities, which at any time before the appointment of such Accountant-general shall have been transferred into or vested in the name of, or shall be in the custody or power of the said Abel Moysey, or of the Deputy-remembrancer for the time being, by or on behalf of any of the suitors of the said Court, pursuant to the said herein-before recited order, or any other order or decree of the same Court, or Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, or which shall have been purchased pursuant to any decree or order of the same Court, or Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, in the name of the said Abel Moysey, or of any Deputy-remembrancer of the said Court; and all real and personal estate, effects, and property whatsoever, which by virtue of the said herein-before recited order, or any order or decree of the said Court of Exchequer, or Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, or by virtue of any conveyance, assignment, transfer, obligation or otherwise, shall at any time before the appointment of such Accountant-general have been conveyed, assigned, or transferred, or made payable or secured to the said Abel Moysey, as Deputy-remembrancer, or to the Deputy-remembrancer of the said Court for the time being, as such Deputy-remembrancer, and which shall not have been applied to the trusts and purposes to which the same were applicable, under the order or direction of the said Court, shall immediately upon the appointment of any person to be such Accountant-general of the said Court as aforesaid, under the provisions of this Act, become, and the same are hereby declared to be vested in such Accountant-general in right of his office by force of this Act, and without any Act or deed whatsoever to be done or executed by the

said Abel Moysey, his heirs, executors, or administrators, or by any Deputy-remembrancer of the said Court for the time being, or by his heirs, executors, or administrators, or any person or persons claiming under him, them, or any of them, notwithstanding any such interest may have been vested in or conveyed, assigned, transferred, and made payable to or secured to the said Abel Moysey, or to such Deputy-remembrancer for the time being, his heirs, executors, administrators, and assigns, or any of them, and shall and may be proceeded upon by and in the name of such Accountant-general, in right of his office, by any action or suit at law, or in equity, or in any other manner as the same might have been proceeded upon, by or in the name or names of the said Abel Moysey, or of such Deputy-remembrancer for the time being, or his heirs, executors, or administrators, and shall be subject to all such trusts as the same were before respectively subject to; and all such funds, stocks, annuities, and securities, as shall at the time of the appointment of such Accountant-general be standing in the name of the said Abel Moysey, as Deputy-remembrancer as aforesaid, or of any Deputy-remembrancer of the said Court for the time being, in the books of the said Bank of England, South-Sea Company, and East-India Company, or in the books of any body politic or corporate, or company, shall upon the appointment of such Accountant-general be carried by the proper officers of the said companies respectively to the credit of the said Accountant-general, as such Accountant-general, in the books of the said Bank of England, South-Sea Company, East-India Company, or other body politic or corporate respectively; any thing in any Act or Acts of Parliament for the creation or regulation of any such funds, stocks, annuities, or securities, or any other Act or Acts to the contrary thereof, in anywise notwithstanding.

On death, resignation, &c. of Accountant-general, all property in the suitors' money shall vest in his successors.

VIII. And be it further enacted, that in all cases in which by virtue of this Act, or of any Act of Parliament, conveyance, assignment, transfer, obligation, or security, any interest in real or personal estate, effects or property, shall be vested in, conveyed, assigned, transferred, made payable to or secured to the Accountant-general of the said Court of Exchequer for the time being, as such Accountant-general; and in respect of his office, all such real and personal estate, effects, and property whatsoever, upon the death, removal, or resignation of each and every Accountant-general of the said Court, from time to time and as often as the same shall happen, and the appointment of a successor shall take place, shall (subject to the same trusts as the same were before respectively subject to) vest in the succeeding Accountant-general, by force of this Act, and without any act or deed whatever to be done by the Accountant-general resigning or removed, or by the heirs, executors, or administrators of any Accountant-general resigning, removed, or dying, or by any person or persons claiming under him, them, or any of them, and notwithstanding any such interest may have been expressed to be vested in, conveyed, assigned, transferred, made payable to or secured to the Accountant-general of the said Court, his heirs, executors, administrators, and assigns, or any of them, and shall and may be proceeded upon in the name of such succeeding Accountant-general, by any action or suit in law or equity, or in any other manner, as the same might have been proceeded upon by or in the name or names of such Accountant-general so resigning, removed, or dying, his heirs, executors, or administrators.

All payments of money under orders of the Court shall be made into the Bank, to the account of the Accountant-general

IX. And be it further enacted, that whenever at any time after the first appointment of a person to be Accountant-general of the said Court of Exchequer as aforesaid, any person or persons shall be ordered by the said Court of Exchequer, or by the Lord Chief Baron of the said Court, or by the Baron to be nominated and appointed as aforesaid, to pay any sum or sums of money, or any Exchequer bill, bills of exchange, or other negotiable securities, in any cause or matter before the said Court, into the Bank of England, to the account of

the Accountant-general of the said Court, the party upon whom the order for payment of such money shall be made, shall, with the privity of such Accountant-general for the time being, pay the same into the Bank of England, to the account of the Accountant-general of the said Court, and the party so paying any such sum shall take a receipt for the same from one of the cashiers of the said Bank of England, which receipt shall be delivered to the said Accountant-general of the said Court, who shall thereupon make and sign a certificate of such payment, which certificate shall be countersigned by and shall be filed with the Clerk of the Reports herein-after directed to be appointed; and that whenever at any time after the said appointment of a person to be Accountant-general of the said Court as aforesaid, any money shall by the said Court of Exchequer, or by the Lord Chief Baron of the said Court, or by the Baron to be nominated and appointed as aforesaid, be ordered to be invested in Government or other securities, the species of the particular securities in which the same shall be directed to be invested shall be mentioned in the order to be made for that purpose; and in case any such securities shall consist of public funds, stocks, or annuities, the same shall be transferred into the name of the said Accountant-general; and that every such transfer shall contain a declaration of trust, in the books of the said Bank of England, that such funds, stocks, or annuities are so transferred in trust to attend the orders of the said Court of Exchequer; and in case any such securities shall consist of East-India bonds, Exchequer bills, tallies, or orders, the same shall be delivered into the Bank of England, and placed to the account of the Accountant-general of the said Court, in the books of the said Bank, as herein-before directed, subject to the orders of the said Court of Exchequer; and if any of the securities shall consist of stocks or annuities of the Bank of England, the East-India Company or South-Sea Company, or any other body politic or corporate, such stock or annuities shall be transferred into the name of such Accountant-general, and that every such transfer shall contain an entry or declaration of trust in the books of the respective Companies, that such stocks or annuities are so transferred in trust to attend the orders of the said Court of Exchequer; and the said Accountant-general shall take a certificate thereof from the proper officer of the Company whom it may concern, and shall deliver such certificate into the Bank, in order that one of the cashiers of the Bank may receive the dividends thereupon; and the said Accountant-general shall make a report or certificate of all such securities to the said Court of Exchequer, which report or certificate shall be filed with the Clerk of the Reports, and shall specify the dates and numbers of such bonds, tallies, and orders, and the quantities of such stocks or annuities, and the time of the transfer of such stocks or annuities into the name of such Accountant-general.

Orders of the Court of Exchequer shall state in what securities money shall be invested.

East-India bonds, Exchequer bills, &c. shall be delivered into the Bank; and certificates of East-India stock, &c. taken by Accountant-general;

who shall report on such securities.

Bank shall receive all interest of funds, and principal of Exchequer bills, and carry the same to the credit of Accountant-general.

X. And be it further enacted, that one of the cashiers of the Bank of England shall at all times hereafter, from time to time, receive all interest due upon all Exchequer bills, and other securities, delivered in or deposited at the said Bank on account of the said Accountant-general, and also all the principal money becoming due on such Exchequer bills, or, if so directed by the said Accountant-general, shall receive new Exchequer bills in lieu of any Exchequer bills becoming payable; and shall also receive all principal money becoming due on any bills of exchange or negotiable securities, so delivered in or deposited at the said Bank on account of the said Accountant-general, and one of the cashiers of the said Bank shall likewise receive all the dividends of all such stocks, funds, or annuities, transferable at the said Bank, or in the books of the East-India Company, or South-Sea Company, or of any other body politic or corporate, as shall at any time be transferred into or standing in the name of the said Accountant-general; and the said Accountant-general shall for that purpose authorize and empower one of the cashiers of the said Bank to receive such

interest and dividends, and all such principal money, or to receive such new Exchequer bills; and all such interest and dividends and principal money or new Exchequer bills, when so received, shall be from time to time placed to the credit of such Accountant-general, and entered causewise in the said account, so to be kept in his name in the books of the Bank of England.

XIII. And be it further enacted, that whenever any stock in the books of the Bank of England, South-Sea Company, East-India Company, or any company, or body politic or corporate, shall be ordered by the said Court of Exchequer, or by the Lord Chief Baron of the said Court, or by the Baron nominated and appointed as aforesaid, to be sold, or to be transferred to any person or persons, a certificate of the decree or order directing such sale or transfer shall be signed by the said Clerk of the Reports, who shall certify under his hand to the said Accountant-general what stock he is by such decree or order to sell or to transfer, and in case of a transfer, to whom such transfer is to be made; which certificate shall be entered by the Clerk of the Reports in a book to be kept by him for that purpose; and the Clerk in Court, or Solicitor in the cause, shall carry such certificate to the said Accountant-general, who shall, within one week, or at the then next opening of the respective companies' books, attend in person and deliver the same, or cause the same to be delivered, to the proper officer of such company, and transfer such stocks, or give sufficient authority to some other person so to do, according to such certificate; and such certificate is hereby declared to be a sufficient authority for making such transfer or transfers as shall, by the decree or order mentioned in such certificate, be required to be made in execution of the said decree or order.

How stock shall be transferred under orders of the Court.

XIV. And be it further enacted, that the proper officer of the Bank of England, East-India Company, South-Sea Company, or any other company, or body politic or corporate, whom it may concern, shall and do from time to time permit and suffer every such transfer as is required by this Act to be made by the Accountant-general for the time being, upon the production of the several certificates of the several decrees or orders of the said Court of Exchequer for such purpose, signed and attested as by this Act is directed and required.

The Bank, &c. shall make transfer according to certificates, &c. produced.

XV. And for the better and more effectually carrying this Act into execution, be it further enacted, that it shall and may be lawful to and for the said Court of Exchequer, or for the Lord Chief Baron thereof, or other Baron to be nominated and appointed as aforesaid, and the said Court, or Lord Chief Baron or other Baron to be nominated and appointed as aforesaid, are hereby authorized and empowered from time to time to make all such further orders and regulations as the said Court shall deem necessary and proper for effectuating all or any of the purposes herein-before expressed: provided always, that when any such orders and regulations shall be made, a true copy thereof shall be made by the Clerk of the Reports, and signed by him, and transmitted to the said Accountant-general, who shall cause a true copy of such copy, signed by him, to be transmitted to the Governor or Deputy-governor of the Bank of England, or to any other Company, body politic or corporate, whom it may concern, who, after receiving a copy of such orders and regulations, shall cause the same to be observed in the same manner as if any such orders and regulations had originally formed a part of this Act.

Court of Exchequer, or Lord Chief Baron, empowered to make orders for carrying this Act into execution.

XIX. And be it further enacted, that in case it shall happen at any time that the Accountant-general of the said Court of Exchequer for the time being shall by illness or any

In case of illness, &c. of the Accountant-general, the Court may

order the other Master to act for him in that office.

other cause be prevented from attending to the duties of the said office of Accountant-general, then and in every such case, it shall and may be lawful for the said Court of Exchequer, or Lord Chief Baron, or Baron to be nominated and appointed as aforesaid, by any order or orders to be made for that purpose, to direct the other Master of the said Court for the time being, either generally or specially, to execute and perform all or any of the duties of the said Accountant-general in his name, and in such manner and under such regulations as shall be directed and contained in such order or orders to be made for that purpose; and the person so to be appointed shall be called Accountant-general of the Court of Exchequer, *pro tempore*, and shall be so described in all acts to be done by him in the execution of the duties of the said office.

Punishing persons forging the hand-writing of the Accountant-general, &c. to a certificate to receive the suitors' effects in the Bank.

XXVII. And be it further enacted, that if any person or persons shall at any time after the passing of this Act forge or counterfeit, or procure to be forged or counterfeited, or willingly aid or assist in the forging or counterfeiting, the name or hand-writing of any Accountant-general of the said Court of Exchequer, or any Lord Chief Baron, or any of the Barons of the said Court, or of the Clerk of the Reports, or of any of the cashiers of the said Governor and Company of the Bank of England, or of any officer of any other body politic or corporate, or company, whom it may concern, to any certificate, report, entry, indorsement, transfer, declaration of trust, note, direction, authority, receipt, instrument, or writing whatsoever, for or in order to the receiving or obtaining any money or effects of any of the suitors of the said Court of Exchequer; or shall forge or counterfeit, or procure to be forged or counterfeited, or wilfully aid or assist in forging or counterfeiting any certificate, report, entry, indorsement, transfer, declaration of trust, note, direction, authority, receipt, or any instrument or writing in form of a certificate, report, entry, indorsement, declaration of trust, note, direction and authority, receipt, instrument, or writing made or given by such Accountant-general, Clerk of the Reports, or any of the cashiers of the Governor and Company of the Bank of England, or shall utter or publish any such, knowing the same to be forged or counterfeited, or shall claim or demand payment of any sum or sums of money therein mentioned, with intent to defraud any person or persons, or body politic or corporate, or any public company whomsoever, then every such person and persons so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged to be guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy. (1)

(1) [The 11 Geo. 4, and 1 Wm. 4, cap. 66, restricted the punishment of death to certain cases of forgery therein specified. The 2 & 3 Wm. 4, cap. 123, confined it to forgeries of wills or testamentary writings, and of authorities to transfer certain public securities, or receive dividends thereon. The 1 Vic. cap. 84, abolished the punishment in these cases also, and substituted transportation or imprisonment.]

1 GEORGII IV. Cap XCIX.

An Act *to enable the East-India Company to raise and maintain a Corps of Volunteer Infantry.* [24*th July*, 1820.]

Whereas the United Company of Merchants of England trading to the East-Indies are willing, and have offered to his Majesty, at their own expense, to raise and maintain a corps of volunteer infantry, not exceeding eight hundred rank and file, from amongst the persons in the employ of the said Company; and such offer having been submitted to his Majesty's royal consideration, his Majesty hath approved thereof; but by reason of the appropriation of the revenues of the said United Company, to and for the purposes mentioned in an Act of Parliament, made in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company, for a further term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," the said United Company cannot pay the charges of the said corps without the authority of Parliament; and it is expedient that the said United Company should be enabled to pay the same: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the said United Company, from time to time, to defray all and every the charges and expenses of raising, training, clothing, arming, paying and maintaining the said corps, as long as the services thereof shall be accepted by his Majesty, his heirs or successors, the said Act of the fifty-third year of the reign of his late Majesty, or any appropriation, matter, clause, or thing therein contained, to the contrary thereof in anywise notwithstanding.

53 G. 3, c. 155.

East-India Company to defray the expense of a corps of volunteers.

II. And be it further enacted, that all the charges and expenses of the said corps shall be defrayed out of the commercial funds (1) of the said Company.

Expense shall be paid out of commercial fund.

(1) [The distinction between commercial and territorial funds is no longer preserved.]

III. And be it further enacted, that such corps of volunteers so raised and maintained by the said United Company, shall and may be employed upon such service and for such purposes, upon and for which other volunteer corps lawfully embodied may be lawfully called and employed.

Employment of the corps.

IV. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

Public Act.

1 GEORGII IV. Cap. CI.

An Act *to enable the Examination of Witnesses to be taken in India in support of Bills of Divorce on Account of Adultery committed in India.* [24*th July*, 1820.]

Whereas much inconvenience hath arisen to his Majesty's subjects residing in India, and petitioning either House of Parliament for Bills for the dissolution of marriages by reason of acts of adultery committed in India, from the difficulty of producing in England the evidence necessary to substantiate the allegations of such Bills: and whereas by reason of the religious scruples of several of the natives of India, it is impossible to prevail upon them to come to England for the purpose of being examined as witnesses at the bar of either House of Parliament: and whereas, for remedy of the said inconvenience, it is expedient that provision shall be made for examining witnesses in India, and for duly transmitting their depositions to such Houses of Parliament: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that whensoever and as often as either House of Parliament, upon the petition of any party praying for a Bill for the dissolution of any marriage, and stating that the witnesses necessary to substantiate the allegations of such Bill are resident in India, shall see cause to direct that the examinations of such witnesses shall be taken in India, the Speaker of such House of Parliament shall thereupon issue his warrant or warrants to the Judges of the Supreme Court of Judicature of the Presidency of Calcutta, the Judges of the Supreme Court of Judicature of the Presidency of Madras, the Recorder of the Presidency of Bombay, (1) or the Judges of the Supreme Court of Judicature of the Island of Ceylon, respectively, accordingly as the witnesses proposed to be examined shall be resident within any one or more of the said presidencies, or the said island, for the examination upon oath of all such witnesses as shall be produced before them touching the allegations of such Bill, and touching any notices or other matters which shall in such warrant be specified; and that in all cases where such warrants shall be so issued, duplicates of such warrants, together with copies of such Bill, shall be transmitted by different ships, at the desire of the agent of the party or parties soliciting such Bill, to the persons to whom such warrants shall be directed.

Speaker may issue his warrant for the examination of witnesses in India in cases of bills of divorce.

(1) [Under 4 Geo. 4, cap. 71, the Recorder's Court at Bombay was replaced by a Supreme Court of Judicature.]

Judges in India, on receipt of such warrant, to examine such witnesses.

II. And be it enacted, that in all cases immediately upon the receipt of such warrant or warrants, the Judges or Recorder to whom the same shall have been directed, shall appoint some time or times with all convenient speed for the examination of witnesses, and receiving other proofs touching the allegations of such Bill; and in opposition thereto and touching such notices and other matters as shall in such warrant have been specified, and in the meantime shall cause such public notice to be given of such examination, and shall issue such summons or other process as may be requisite for the attendance of witnesses, and of the agents or counsel of all or any of the parties respectively, and of such other witnesses as after mentioned, and to adjourn from time to time as occasion may require; and such examina-

tions as aforesaid shall be then and there openly and publicly taken *vivâ voce* upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions, and shall, by some sworn officer of the Court, be reduced into writing, and that two copies thereof shall be made; and that the Judges or Recorder before whom such examination shall have been taken, shall certify the same under the official seal of their several Courts, together with a declaration of such Judges or Recorder, that such examinations have in their or his judgment been fairly and properly conducted, and that all such witnesses had been produced as were fit to be produced, for the purpose of ascertaining the whole truth, so far as the attendance of such witnesses could be reasonably obtained: and shall transmit the same by different ships to the Speaker of either House of Parliament, under whose warrant such examination shall have been taken; and every such examination so returned to the Speaker of either House of Parliament as aforesaid, shall be competent and admissible evidence, and shall be allowed and read in both Houses of Parliament, or either of them respectively, as occasion may require; any law or usage to the contrary notwithstanding.

Two copies of such examinations to be certified and transmitted to the Speaker of either House of Parliament.

III. And be it further enacted, that it shall and may be lawful for such Judges or Recorder, upon any such examination, to ask any such questions of any witness who shall be produced before them or him, and to require such further witnesses resident within such presidency or island respectively to be produced, as shall appear fit and necessary for the due investigation of the allegations of such Bill, or of any other matters in such warrants specified; and to allow such attendance by counsel, and such cross-examination of witnesses, as shall be deemed by such Judges and Recorder to be fit and proper for the purpose of such investigation, and for such purpose, if necessary, to name some proper person or persons to attend as counsel and agent in opposition to such Bill, and to procure any evidence which may be necessary for the purpose of such opposition, to the end that a full and fair disclosure may be made of all the facts and circumstances of the case.

Judges may ask such further questions and require such further witnesses to be produced as shall be necessary.

IV. And whereas by the usage and custom of Parliament, no proceedings by Bill in Parliament have continuance from one session to another, and whereas it would be impracticable that the examination taken upon such warrant as aforesaid could ever be returned within the ordinary length of a session of Parliament; be it enacted by the authority aforesaid, that from and after the passing of this Act no proceedings in Parliament, touching any Bill for the dissolution of marriage, wherein such warrant as aforesaid shall have been issued, shall be discontinued by any prorogation or dissolution of Parliament, until the examination therein directed shall have been returned, but that such proceedings may be resumed and proceeded upon in a subsequent session, or in a subsequent Parliament, in either House of Parliament, in like manner and to all intents and purposes as they might have been in the course of one and the same session; any law, usage, or custom to the contrary notwithstanding.

Proceedings not to be discontinued by prorogation, &c. of Parliament, where such warrants have been issued.

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1 & 2 GEORGII IV. Cap. LIX.

An Act *for the Relief of Insolvent Debtors in Ireland.*
[23*rd June*, 1821.]

This Act was continued by others passed at various times, but it is now superseded by a later Act. The only section connected with the subject of this volume was the 47th, which provided for the payment to the assignees of an insolvent being an officer in the naval or military service of the East-India Company, of a portion of his pay or pension to be applied in discharge of his debts. The 3 & 4 Vic. cap. 107, confirms the previous law as far as it related to the persons who should have petitioned the Court before the time fixed for the commencement of that Act (1st November, 1840), and to persons who had obtained their discharge by virtue of any Act for the Relief of Insolvent Debtors in Ireland. The present law, as far as it peculiarly affects servants of the East-India Company, will be found in its proper place, 3 & 4 Vic. cap. 107.

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1 & 2 GEORGII IV. Cap LXI.

An Act *to regulate the Appropriation of unclaimed Shares of Prize Money belonging to Soldiers or Seamen in the Service of the East-India Company.*
[23*d June*, 1821.]

Whereas divers sums of money belonging to officers and soldiers employed in the service of the United Company of Merchants of England trading to the East-Indies, under and by virtue of divers Charters and Acts of Parliament, authorizing them to raise and maintain a military force in the East-Indies, and other the parts mentioned in such Charters, or some of them; and divers other sums of money belonging to commanders, officers, and crews of ships hired by or belonging to the said United Company, which said several sums of money have arisen from, or have become distributable in respect of, services in war, now remain and are in the hands of prize agents and other persons: and whereas it is expedient that all unclaimed shares of such money should be appropriated as hereinafter is provided; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent

of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all and every shares and share of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen from or distributable in respect of any capture or other warlike service whatsoever, belonging to officers or soldiers, or to any officer or soldier in, or having been in the service of the said Company, in whatever service the same may have accrued, now remaining in the hands of any prize-agent or agents, or any other person or persons whomsoever, shall be paid over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct; and all sums of money, when so paid over, shall be applied to the fund established by the Right Honourable Robert late Lord Clive, for the relief of persons and the widows of persons in the military service of the said United Company, commonly called "Lord Clive's Fund," for the purpose and objects of the said fund, according to the rules and regulations for the time being thereof; subject nevertheless to be refunded without interest to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto, to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the settlement where the same shall have been paid over to the said Company.

Prize-money belonging to soldiers, remaining in hands of agents and others, to be paid over to the East-India Company.

Application of the money so paid over.

II. And be it further enacted that all and every shares and share of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen from or distributable in respect of any capture or other warlike service whatsoever, belonging to commanders, officers, sailors or other persons, or to any commander, officer, sailor, or other person, serving or who may have served on board of any ship or vessel in the service of the said Company, whether hired or belonging to the said Company, in whatsoever service the same may have accrued, now remaining in the hands of any prize-agent or agents, or any other person or persons whomsoever, shall be paid over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct; and all sums of money when so paid over shall be applied to the Hospital Fund established for the relief of persons and widows of persons belonging to ships and vessels in the service of the said United Company, commonly called "Poplar Hospital," for the purposes and objects of the said last-mentioned fund, according to the rules and regulations for the time being thereof; subject nevertheless to be refunded without interest to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto, to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the settlement where the same shall have been paid over to the said Company.

Prize-money belonging to seamen, in the hands of agents and others, to be paid over to the East-India Company.

Application of such money.

III. Provided always, and be it further enacted, that all money hereby directed to be paid over to the said United Company, and which shall be to be paid over in London, shall be paid within six calendar months next after the passing of this Act; and all such money which shall be to be paid over at any of the settlements abroad of the said United Company, shall be paid within six calendar months next after the Governments at the said settlements respectively shall have caused the provisions of this Act, in that respect, to be notified in the way in which general orders for the army are usually published at the said settlements respectively.

Times within which payments are to be made.

Agents and other persons to deliver upon oath accounts of unclaimed shares.

IV. And be it further enacted, that all and every person and persons whomsoever, who are required by this Act to pay over any money to the said United Company, shall and they are hereby required, without further requisition or notice, to deliver or cause to be delivered to the secretary of the said United Company in London, or to the several secretaries of the respective governments at the settlements abroad where such money shall be to be paid over to the said United Company respectively, a true and correct account of all the monies remaining in his or their hands, and so to be paid over, with a list or lists of the names, rank, regiment, or other sufficient description of the persons entitled thereto, which account and lists shall be verified by the affidavit on oath of the party or one of the parties required to deliver the same, such oath to be taken before any Magistrate or other person authorized by any Court of Law or Equity to administer oaths, and which oath such Magistrate or other person is hereby required to administer accordingly.

The Court of Directors and Governments abroad empowered to call for general prize accounts on oath.

V. And be it further enacted, that upon the reasonable request and notice of the Court of Directors of the said United Company, and the governments of the settlements of the said Company abroad respectively, all and every person and persons whomsoever who are required by this Act to pay over any money to the said United Company, shall make out and deliver or cause to be made out and delivered to the secretaries of the said Court of Directors and of the said governments respectively requiring the same, full, true, and particular accounts in writing of all the receipts, payments, dealings, and transactions of such person and persons; and if they shall be executors, administrators, agents, or representatives, then full, true, and particular accounts in writing of their several testators, intestates, and principals, any way relating to any booty, prize-money, or other matter in respect of which such money so to be paid over shall have arisen, with the dates of all and every such receipts, payments, dealings, and transactions, and true and correct lists and descriptions of all grants, deeds, writings, books of account, letters, and papers whatsoever, in the custody or power, or which ever shall have been in the custody or power of the persons respectively required to make out and deliver the same, or of their respective testators, intestates, or principals, any way relating to any such booty, prize-money, or other matter; which accounts and lists shall be verified by affidavit on oath, to the best of the knowledge, information, and belief of the person or persons required to make out and deliver the same, such oath to be taken before any magistrate or other person authorized by any Court of Law or Equity to administer oaths, and which oath such magistrate or other person is hereby required to administer accordingly; and all the grants, deeds, writings, books of account, letters, and papers relating to the matters aforesaid, and in the custody or power of the person or persons required to pay over any such money as aforesaid, shall be produced and shewn at all reasonable times at the place or places where such grants, deeds, writings, books of account, letters, and papers shall be usually kept and deposited, or in some other reasonable and convenient manner, to such person and persons as the said Court of Directors or the said governments respectively shall direct or authorize to inspect the same; and such person and persons shall have full liberty to inspect, and take and cause to be taken such copies, extracts, and abstracts thereof, as he or they, or the said Court of Directors, or the said governments respectively, shall see fit: provided always, that this Act, or anything herein contained, or the production, inspection, or examination of the accounts, books, and papers before-mentioned, shall not in any way be deemed or construed to extend to open any account which shall have been conclusively closed and settled by the order, judgment, sentence, or decree of any Court of competent jurisdiction, or in any other manner by which the parties interested therein would have been concluded if this Act had not been passed, nor to prevent any Court of competent jurisdic-

Not to require accounts which have been legally closed.

tion to order any such account to be opened, or to give liberty for surcharge or falsification thereof, upon just cause and ground shewn for that purpose.

VI. And be it further enacted, that if any person or persons whosoever shall be convicted of making a false oath touching any of the matters directed or required by this Act to be testified on oath, such person or persons so convicted as aforesaid shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons guilty of perjury are liable by any law in force in that part of the United Kingdom called England; and if any person shall corruptly procure or suborn any other person or persons to swear falsely in any such oath, such person being duly convicted of such procuring and suborning, shall for every such offence incur and suffer such penalties, forfeitures, pains, and disabilities, as persons convicted of perjury are respectively liable unto by any law in force in the said part of the said United Kingdom called England.

Persons taking false oaths guilty of perjury, and persons suborning liable to the penalties of perjury according to the law of England.

VII. And be it further enacted, that the said United Company shall have and be entitled to the same rights, powers, remedies, and methods of suit at law or in equity, or by any Admiralty process, to be commenced and prosecuted in the name of the said United Company in the several Courts of Justice in the United Kingdom and in the East-Indies, and elsewhere soever, for discovery and recovery of the monies hereby directed to be paid over to the said Company, as the original owners thereof now have or are entitled to use or exercise; and all Courts of Law and Equity, and of Admiralty jurisdiction, in the United Kingdom and in the East-Indies, shall have and exercise the same jurisdiction, powers, and authorities, for compelling all and every person and persons to account for and pay over the monies hereby directed to be paid over to the said United Company, as any Court of Law or Equity, or of Admiralty jurisdiction, may now lawfully exercise with respect to any unclaimed balances payable to the treasurers of Greenwich Hospital and Chelsea Hospital respectively, by virtue of any Act or Acts of Parliament, or any law, usage, or custom whatsoever; and that it shall and may be lawful to and for the Court of Directors of the said United Company, and the several governments of the settlements abroad of the said United Company, to exercise the same or the like powers and authorities for the recovery of the monies hereby directed to be paid over to the said United Company, as may now be exercised by virtue of any Act or Acts of Parliament now in force relating to prize-money by the treasurers of Greenwich Hospital and Chelsea Hospital respectively, so far as such powers and authorities extend to the recovery by them, and the discovery of unclaimed shares of prize-money due and belonging to any officers, soldiers, or seamen in the service of his Majesty, and shall be applicable to the objects of this Act.

Power of recovery of monies directed to be paid over.

Courts of Justice invested with the same powers as they now have with respect to Greenwich and Chelsea Hospitals.

Court of Directors, &c. to exercise similar authority to what may be exercised by the treasurers of Greenwich and Chelsea Hospitals.

VIII. And be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to affect the Royal Hospital for soldiers at Chelsea, nor the Royal Hospital for seamen at Greenwich, nor to take away, repeal, or diminish any claim, right, or interest which by virtue of any law or laws now in force have been given or are now existing, or may hereafter by virtue of the said Acts become vested in the said royal hospitals or in the treasurers thereof, for the recovery of any unclaimed and forfeited shares of prize-money, for the benefit of the said institutions, or for the benefit of the person or persons entitled to any unclaimed and forfeited shares of prize-money, but the same shall continue and remain in the said Commissioners and in the said treasurers as if this Act had not been made.

Not to affect the interest of Chelsea or Greenwich Hospitals.

Acquitting persons paying over prize-money.

IX. And be it further enacted, that all and every person and persons, who shall pay over to the said Company, or to any other person or persons, by their order or for their use, any sum or sums of money under the provisions of this Act, shall, from and after such payment, be absolutely acquitted and discharged from all claims and demands whatsoever of all and every other person and persons to the same monies which shall be so paid over.

Application of prize-monies remaining in the hands of the East-India Company.

X. And be it further enacted, that all unclaimed shares of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen from or distributable in respect of any capture or other warlike service whatsoever, belonging to officers and soldiers in the service of the said Company, and to commanders, officers, sailors, and other persons serving on board such ships as aforesaid, in the service of the said United Company, and which now remain in the hands of the said United Company, or in any of their treasuries abroad, shall forthwith be carried over by order of the Court of Directors of the said Company, to the credit of the said respective funds, called "Lord Clive's Fund," and "Poplar Hospital;" to be applied to and for the purposes and objects of the said funds respectively, in like manner as the monies herein-before directed to be paid to them are to be applied; and in case at any time the person or persons originally entitled to the same, or their representatives, shall establish their claims thereto to the satisfaction of the said Court of Directors, or of the Governor and Council of the settlement where the same money shall now remain, then the said Court of Directors shall cause the said money to be refunded accordingly, and the same shall be brought back from the fund to which it shall have been carried, as herein-before is mentioned.

Expenses of carrying this Act into execution to be defrayed out of the monies recovered.

XI. And be it further enacted, that all expenses incurred or to be incurred in executing this Act, and the sums paid in remunerating the officers or persons employed on behalf of the said United Company, for their care, pains, and trouble in performing the regulations and directions thereof, shall, so far as the same relate to those officers or persons, be subject to the discretion of the Court of Directors for managing the affairs of the said Company, and shall be paid out of the principal monies to be recovered and discovered as aforesaid, on account of such shares respectively: provided, nevertheless, that no person employed by the said United Company in executing the regulations of this Act, shall act as an agent for prizes, or be concerned directly or indirectly in the business thereof, under the penalty of five hundred pounds.

Persons employed by the Company not to act as agents.

Penalty £500.

Not to prevent persons trying rights to prize-money.

XII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prevent any person or persons from resorting to any remedy at law or in equity, against the said Company, for the recovery of the principal, without interest, of any money to which he, she, or they may be entitled, and which shall have been paid to the said United Company, or which shall have been carried over by the said Company to the credit of either of the funds herein-before mentioned, under the directions of this Act; provided such person or persons shall have preferred his or their claim thereto to the said Court of Directors, if such money shall have been paid over to the said Company in England, or shall have been carried over from their funds at home, or to the Governor in Council of the presidency where the same shall have been paid or carried over, if paid over to the said Company, or carried over from their funds in India, within six years after the same shall have been so paid or carried over; any thing herein contained to the contrary notwithstanding.

XIII. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

The 9 Geo. 4, cap. 50, extends the provisions of this Act, which were only retrospective.

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1 & 2 GEORGII IV. Cap. LXXVIII.

An Act *to regulate Acceptances of Bills of Exchange.*
[2*d July*, 1821.]

Whereas according to law as hath been adjudged, where a bill is accepted payable at a banker's, the acceptance thereof is not a general but a qualified acceptance: and whereas a practice hath very generally prevailed among merchants and traders so to accept bills, and the same have, among such persons, been very generally considered as bills generally accepted, and accepted without qualification: and whereas many persons have been, and may be much prejudiced and misled by such practice and understanding, and persons accepting bills may relieve themselves from all inconvenience, by giving such notice as herein-after mentioned of their intention to make only a qualified acceptance thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of August now next ensuing, if any person shall accept a bill of exchange, payable at the house of a banker or other place, without further expression in his acceptance, such acceptance shall be deemed and taken to be, to all intents and purposes, a general acceptance of such bill; but if the acceptor shall in his acceptance express that he accepts the bill, payable at a banker's house or other place only, and not otherwise or elsewhere, such acceptance shall be deemed and taken to be, to all intents and purposes, a qualified acceptance of such bill, and the acceptor shall not be liable to pay the said bill, except in default of payment when such payment shall have been first duly demanded at such banker's house or other place.

Bills accepted payable at a banker's or other place, deemed a general acceptance.

Bills accepted payable at a banker's or other place only, deemed a qualified acceptance.

II. And be it further enacted, that from and after the said first day of August, no acceptance of any inland bill of exchange shall be sufficient to charge any person, unless such acceptance be in writing on such bill, or if there be more than one part of such bill, on one of the said parts.

Acceptance to be in writing on the bill.

3 GEORGII IV. Cap. XCIII.

An Act *for carrying into Execution an Agreement between his Majesty and the East-India Company.* [30*th July*, 1822.]

The purposes for which this Act was passed having been effected, it is only necessary to insert sections 3 and 4.

East-India Company, on payment of the money, to be finally discharged of all claims.

III. And be it further enacted, that from and after such payment by the said United Company into his Majesty's Exchequer, as herein-before is mentioned, the said United Company shall be, and they are hereby acquitted, exonerated, and absolutely and for ever discharged of and from all further payments whatsoever, in respect of the interest, sinking fund, charges of management, or otherwise howsoever, under or by virtue of the said Act of the fifty-second year of the reign of his said late Majesty, or in anywise relating to or by reason of the loan or advance of two millions five hundred thousand pounds therein and herein-before mentioned; and that the said United Company shall be, and they are hereby acquitted, exonerated, and absolutely and for ever discharged of and from all sums of money due and owing by them for and on account of his Majesty's troops serving in India, computed to the said thirtieth day of April, one thousand eight hundred and twenty-two, and from all claims and demands of his Majesty, his heirs and successors, in respect thereof, or on any account whatsoever, in relation to the matters aforesaid, up to the said thirtieth day of April, one thousand eight hundred and twenty-two, save and except as herein-after is mentioned; and that all accounts between the Paymasters-general of his Majesty's forces and the said Company, shall be held to have been closed on the thirtieth day of April, one thousand eight hundred and twenty-two; and that his Majesty, his heirs and successors, shall be acquitted, released, and discharged of and from all claims and demands whatsoever of the said Company, in respect of any sums of money advanced or paid by them for the service of his Majesty in the East-Indies, or in relation to the Island of Saint Helena, or otherwise on any account whatsoever, in relation to the matters aforesaid, to the said thirtieth day of April now last past, save and except as herein-after is mentioned; and that all the stores and public property which may now remain in the island of Saint Helena, shall be and become the property of the said United Company, for their own use.

Public property in St. Helena to become the property of the Company.

His Majesty's claims in certain respects, not to be affected.

IV. Provided always, and be it further enacted, that nothing herein contained shall in anywise prejudice the right of his Majesty, his heirs or successors, to any spices belonging to his Majesty, and now in the possession of the said United Company, nor to the proceeds of any such spices as may have been sold by the said United Company on account of his Majesty, and now unaccounted for; but his Majesty, his heirs and successors shall have the same right thereto, and the same remedies in respect thereof, as if this Act had not been passed; and in like manner, nothing herein contained shall in anywise prejudice the right of the said United Company to all such sum and sums of money as on the said thirtieth day of April now last past, was or were due, and owing or payable, by the Commissioners of his Majesty's Navy, for or on account of hemp brought home for and supplied to his Majesty, nor to interest on any such sum or sums of money; nor to any bill or bills of exchange drawn or to be drawn in the East-Indies on any public office or offices of his Majesty's Government.

in respect of current public services in India, prior to the said thirtieth day of April, one thousand eight hundred and twenty-two; but the said United Company and their successors, shall have the same rights thereto, and remedies in respect thereof, as if this Act had not been passed.

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4 GEORGII IV. Cap. LXXI.

An Act *for defraying the Charge of Retiring Pay, Pensions, and other Expenses of that nature, of his Majesty's Forces serving in India; for establishing the Pensions of the Bishop, Archdeacons, and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.*

[11*th July*, 1823.]

Whereas by an Act made and passed in the thirty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the towns of Calcutta, Madras, and Bombay," it is enacted, that all sums issued by the Paymaster-general of his Majesty's Forces, for and on account of his Majesty's forces serving in India, or for raising and supplying recruits for the same, shall be repaid by the said United Company, and that the actual expenses only which are incurred for the support and maintenance of the said troops shall be borne and defrayed by the said United Company: and whereas, by another Act made and passed in the fifty-third year of the reign of his said late Majesty, intituled, "An Act for continuing in the East-India Company for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," it is enacted, that for and during the continuance of the possession and government of the said territorial acquisitions and revenues in the said United Company, the rents, revenues, and profits arising from the said territorial acquisitions, after defraying the charges and expences of collecting the same, should be applied and disposed of to and for the uses and purposes and in the order of preference therein-after expressed, and to or for no other use or purpose or in any other manner whatsoever, any Act or Acts of Parliament then in force to the contrary notwithstanding: and in the first place in defraying all the charges and expenses of raising and maintaining the forces, as well European as native military, artillery, and marine on the establishments in the East-Indies and parts aforesaid, and of maintaining the forts and garrisons there, and providing warlike and naval stores; but no provision has been made for the charge incurred for retiring pay and pensions, and other expenses of that nature, arising in respect of his Majesty's forces serving in India; and the said United Company in consideration thereof have agreed to pay, for those purposes, the annual sum of sixty thousand pounds, to commence from the thirtieth day of April one thousand eight hundred and twenty-two, out

33 G. 3, c. 52.

53 G. 3, c. 155.

of the territorial revenues in the East-Indies, as herein-after mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that over and above all sum and sums of money now payable by the said United Company in respect of his Majesty's forces serving in the East-Indies, the annual sum of sixty thousand pounds, to commence from the said thirtieth day of April one thousand eight hundred and twenty-two, shall be paid out of the rents, revenues, and profits arising from the said territorial acquisitions, in full discharge and satisfaction of all claims upon the said Company for retiring pay, pensions, and other expenses of that nature, granted or payable by his Majesty or by authority of Parliament or otherwise, in respect of any of the forces of his Majesty which have served, are now serving, or which hereafter may serve in the East-Indies; such annual sum of sixty thousand pounds to be payable by the said United Company out of any money in their treasury applicable to the territorial charges in the East-Indies, by even quarterly payments, on the thirtieth day of July, the thirtieth day of October, the thirtieth day of January, and the thirtieth day of April in every year, into the receipt of his Majesty's Exchequer, there to remain at the disposal of Parliament; and such payments shall be charged upon and borne by the rents, revenues, and profits arising from the territorial acquisitions, in the same order as the charges and expenses of raising and maintaining the said forces are now charged and borne.

In addition to the sum now payable, the East-India Company to pay an annual sum of £60,000 for retiring pay, pensions, or other allowances of his Majesty's forces serving in India.

To be paid quarterly.

Repeal of provision in 53 G. 3, c. 155, respecting pensions of bishop and archdeacons.

II. And whereas by the said Act of the fifty-third year of the reign of his said late Majesty King George the Third, provision was made for granting certain pensions to the Bishop of Calcutta, and the Archdeacons of Calcutta, Madras, and Bombay respectively, who should have exercised in the East-Indies, or parts in the said Act mentioned, for fifteen years, the office or offices of bishop or archdeacon; and it is expedient to shorten the period during which such bishops and archdeacons respectively are required to hold their said offices before such pensions could be granted to them respectively, and to make other provisions respecting such pensions: be it enacted, that so much of the said Act as relates to such pensions shall be and the same is hereby repealed.

Pensions to bishop and archdeacons.

III. And be it further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, in manner in the said Act mentioned, to grant to any such bishop who shall have exercised in the East-Indies, or parts aforesaid, for ten years, the office of bishop or archdeacon, and to any such archdeacon who shall have exercised in the East-Indies or parts aforesaid, for ten years, the office of archdeacon, pensions not exceeding such sums respectively as his Majesty by the said Act of the fifty-third year of the reign of his late Majesty is empowered to grant to any such bishop or archdeacon.(1)

(1) [To the Bishop of Calcutta, £1,500 per annum. To an Archdeacon, £800 per annum. By the 6 Geo. 4, cap. 85, secs. 15 and 16, the Bishop of Calcutta, relinquishing his see from illness or infirmity, after five years' exercise of his office, may receive a pension of £750; and, after seven years' exercise, £1,000 per annum. For retiring pensions of Bishops of Madras and Bombay, see 3 & 4 Wm. 4, cap. 85, sec. 96; and for the effect of translation in estimating the period of residence,

as well as that of previous archdiaconal residence by a Bishop of Madras or Bombay, see sec. 98 of the same Act.]

IV. Provided also, and be it further enacted, that if any person residing any time in the East-Indies or parts aforesaid, as one of the chaplains of the said United Company, shall have been or shall be appointed to the office of such archdeacon as aforesaid, and shall have resided in the East-Indies or parts aforesaid as such archdeacon seven years, the period of residence of such person as chaplain, shall be accounted and taken as and for a residence as such archdeacon, in the proportion of three years residence as such chaplain to two years residence as such archdeacon: provided also, that nothing herein contained shall extend, or be construed to extend, to prejudice the right of any person being or having been a chaplain of the said United Company, to any benefit he may be entitled to as under or by virtue of any regulation now in force, or hereafter to be made by the said United Company or their Court of Directors, nor to prejudice or affect the right of the said United Company, or their Court of Directors, to make, repeal, vary or alter any regulation or regulations respecting the chaplains of the said United Company, or the pay or allowances, pensions or retirements of such chaplains which the said United Company or their Court of Directors may now lawfully make, repeal, vary, or alter.

Chaplains acting as archdeacons to be entitled to pension, in a certain proportion.

Further provision as to chaplains.

V. And whereas it is proper that a suitable house of residence should be provided for the said bishop, and that the expenses of his visitations should be defrayed by the said Company; be it therefore further enacted, that it shall and may be lawful for the said Company, and they are hereby required to provide a suitable house at Calcutta for the residence of the said bishop, and that the expense of the visitations to be made by the said bishop from time to time shall be defrayed by the said Company, out of the revenues of the British territories in India: provided always, that no greater sum on account of providing such house, or of such visitations, be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company with the approbation of the Commissioners for the affairs of India, any law or statute to the contrary notwithstanding.

Residence and expense of visitations of bishop to be defrayed by the Company.

VI. And whereas doubts have arisen whether the Bishop of Calcutta, in conferring holy orders, is subject to the several provisions and limitations established by the laws of this realm or canons ecclesiastical, as to the titles of the persons to be ordained, and as to the oaths and subscriptions to be by such persons taken and made; be it further declared and enacted, that it shall and may be lawful for the Bishop of Calcutta for the time being to admit into the holy orders of deacon and priest respectively any person whom he shall, upon examination, deem duly qualified, especially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity within the limits of the said diocese of Calcutta, and residing therein; and that a declaration of such purpose, and a written engagement to perform the same, under the hand of such person, being deposited in the hands of such bishop, shall be held to be a sufficient title with a view to such ordination; and that in every such case, it shall be distinctly stated in the letters of ordination of every person so admitted to holy orders, that he has been ordained for the cure of souls within the limits of the said diocese of Calcutta only; and that unless such person shall be a British subject of or belonging to the United Kingdom of Great Britain and Ireland, he shall not be required to take and make the oaths and subscriptions which persons ordained in England are required to take and make: provided always, that nothing herein contained shall be construed to repeal or affect

Power to the Bishop of Calcutta to admit persons to holy orders.

Provisions of 53 G. 3, c. 155, not to be affected.

the provisions of an Act, passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the places within the limits of the said Company's Charter," or any Letters Patent issued by his late Majesty, or by his present Majesty, their heirs and successors, in virtue of the said Act or of their lawful prerogative.

Supreme Court of Judicature at Bombay to be established.

VII. And whereas his late Majesty King George the Second did, by his Letters Patent bearing date at Westminster the eighth day of January in the twenty-sixth year of his reign, grant unto the United Company of Merchants of England trading to the East-Indies his royal Charter, thereby, amongst other things, constituting and establishing Courts of civil, criminal, and ecclesiastical jurisdiction at the United Company's respective settlements at Madraspatnam, Bombay or the island of Bombay, and Fort William in Bengal: and whereas the said Charter, in as far as it respects the administration of justice at Bombay, has been altered and changed by virtue of an Act passed in the thirty-seventh year of his late Majesty King George the Third, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay; and for preventing British Subjects from being concerned in Loans to Native Princes in India;" and by Letters Patent granted by his said late Majesty King George the Third, and bearing date at Westminster on the twentieth day of February in the thirty-eighth year of his reign, amongst other things, for the establishment of a Court called "The Court of the Recorder of Bombay:" and whereas the said Charter of the eighth day of January in the twenty-sixth year of the reign of his Majesty King George the Second, so far as it respects the administration of justice at Fort William in Bengal, has been altered and changed by virtue of an Act passed in the thirteenth year of his said late Majesty King George the Third, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," and by divers subsequent statutes: and whereas the said last-mentioned Charter, so far as it respects the administration of justice at Madras, has been altered or changed by virtue of the said Act of the thirty-seventh year of his said late Majesty King George the Third, and also by an Act of the thirty-ninth and fortieth years of his said late Majesty, intituled, "An Act for establishing certain Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same:" and whereas it may be expedient, for the better administration of justice in the said settlement of Bombay, that a Supreme Court of Judicature should be established at Bombay, in the same form and with the same powers and authorities as that now subsisting by virtue of the several Acts before mentioned at Fort William in Bengal; be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by Charter or Letters Patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Bombay aforesaid, to consist of such and the like number of persons, to be named from time to time by his Majesty, his heirs and successors, with full power to exercise such civil, criminal, Admiralty, and ecclesiastical jurisdiction, both as to natives and British subjects, and to be invested with such powers, and authorities, privileges and immunities, for the better administration of the same, and subject to the same limitations, restrictions, and control, within the said town and island of Bombay, and the limits thereof, and the territories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependant upon the said government of Bombay, as the said Supreme Court of Judicature at Fort William in Bengal by virtue of any law

37 G. 3, c. 142.

13 G. 3, c. 63.

39 & 40 G. 3, c. 79.

now in force and unrepealed doth consist of, is invested with, or subject to, within the said Fort William, or the places subject to or dependant on the government thereof: provided always, that the Governor and Council at Bombay, and the Governor-general at Fort William aforesaid, shall enjoy the same exemption and no other, from the authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said Governor-general and Council at Fort William aforesaid for the time being, from the jurisdiction of the Supreme Court of Judicature there already by law established.

Records of Mayor's Court at Bombay to be delivered over to Supreme Court.

VIII. And be it further enacted, that if his Majesty, his heirs or successors, shall grant such Charter as aforesaid, and erect such Supreme Court of Judicature at Bombay as aforesaid, all the records, muniments, and proceedings whatsoever, of and belonging to the late Mayor's Court at Bombay, or to the late Court of Oyer and Terminer and Gaol Delivery, which were by the said Act passed in the thirty-seventh year of his said late Majesty King George the Third directed to be delivered over, preserved, and deposited in the new Courts erected by virtue of the said Act, and all records, muniments, and proceedings whatsoever, of and belonging to the said Court of the Recorder of Bombay, or to any of the Courts established under and by virtue of the said Act passed in the thirty-seventh year of the reign of his said late Majesty King George the Third, shall from and immediately after such Supreme Court of Judicature, as his Majesty is hereby empowered to erect, shall be established at Bombay, be delivered over to be preserved and deposited for safe custody in the said Supreme Court of Judicature to be erected at Bombay, to which all parties concerned shall and may have resort and recourse upon application to the said Court.

Repeal of so much of Charter and Acts as relate to Court of Recorder.

IX. And be it further enacted, that so much of the Charter granted by his said late Majesty King George the Third, for erecting the Court of the Recorder of Bombay, as relates to the appointment of such Recorder and the erecting of such Courts of Judicature at Bombay, in case a new Charter shall be granted by his Majesty, his heirs or successors, and shall be openly published at Bombay, from and immediately after such publication shall cease and determine, and be absolutely void to all intents and purposes whatsoever; and all powers and authorities granted by the said Act of the thirty-seventh year of his said late Majesty King George the Third, to the said Court of the Recorder at Bombay, shall cease and determine and be no longer exercised by the said Court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the manner and to the extent herein-before directed.

Section 10 authorizes the payment of certain salaries to the Judges of the Supreme Court at Bombay, the amounts of which are varied by 6 Geo. 4, cap. 85, sec. 2.

Salaries to be in lieu of all fees.

XI. And be it further enacted, that the said salaries of such Chief Justice and Judges shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid, and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever, shall be accepted, received, or taken in any manner or on any account or pretence whatsoever, other than such salaries or allowances as are in and by this Act directed to be paid.

Defraying expenses of equipment and voyage.

XII. And be it further enacted, that the said Court of Directors shall and they are hereby required to pay and advance to every person who shall be appointed Chief Justice

of the said Supreme Court to be erected in pursuance of this Act, and who shall be resident in the United Kingdom at the time of his appointment, the sum of one thousand two hundred pounds, and to every person who shall be appointed Puisne Judge of the said Court, and who shall be resident in the United Kingdom at the time of his appointment, the sum of one thousand pounds, for the purpose of defraying the expenses of their equipment and voyage.

Salary to cease on Judge's leaving India.

XIII. Provided always, and be it further enacted, that when either of the Judges of the Supreme Court of Judicature, which his Majesty is hereby empowered to erect at Bombay, shall respectively leave India, the salary payable under and by virtue of this Act to any such Judge shall cease and be no longer paid; anything herein contained to the contrary thereof in anywise notwithstanding.

Repeal of provision in 39 & 40 G. 3, c. 79, respecting India Judges' time of residence to entitle them to pensions.

XIV. And be it further enacted, that so much of the said Acts of the thirty-seventh and of the thirty-ninth and fortieth years of his late Majesty King George the Third, as relates to the time during which the Chief Justices, Judges, and Recorder of the Courts therein mentioned are required to reside in India before any allowances can lawfully be made to them upon retirement, or which limits the amount in the whole to be paid on account of such allowances, shall be and the same is hereby repealed.

The 15th and 16th sections, relating to pensionary provision for retired judicial officers, and the period of residence required as a qualification, are repealed by 6 Geo. 4, cap. 85, sec. 6. See sections 7 to 14 of that Act for present regulations on the subject.

Court at Madras and Bombay to have the same powers as the Court at Fort William in Bengal.

XVII. And be it further declared and enacted, that it hath been and is and shall be lawful for the Supreme Court of Judicature at Madras, within Fort Saint George and the town of Madras and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependant upon the Government of Madras; and that it shall be lawful for the said Supreme Court of Judicature at Bombay, to be created by virtue of this Act, within the said town and island of Bombay, and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependant upon the said Government of Bombay; and the said Supreme Courts respectively are hereby required, within the same respectively, to do, execute, perform, and fulfil all such acts, authorities, duties, matters, and things whatsoever, as the said Supreme Court of Fort William is or may be lawfully authorized, empowered, or directed to do, execute, perform, and fulfil within Fort William in Bengal aforesaid, or the places subject to or dependant upon the Government thereof.

Present pensions not to be affected.

XVIII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to affect any warrant which may have been granted by his Majesty before the passing of this Act, in virtue of any Act now in force, for the payment of a pension to any person who has resigned the office of Chief Justice or Judge of the Supreme Court of Judicature at Fort William in Bengal or at Madras, nor to affect the power of his Majesty to grant such warrants in favour of any person now exercising the office of Chief Justice or Judge; and that any such warrant and warrants shall be obligatory on the said Company, in like manner and under the same restrictions and provisions as if this Act had not passed.

4 GEORGII IV. Cap. LXXX.

An Act *to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the East-India Company, and to make further Provisions with respect to such Trade; and to amend an Act of the present Session of Parliament, for the registering of Vessels. so far as it relates to Vessels registered in India.* [18*th July*, 1823.

This Act, which repealed various previous enactments relating to the trade of the East-India Company, was itself repealed by 3 & 4 Wm. 4, cap. 93, except the repealing clauses, and the following sections relating to Asiatic seamen.

Lascars and natives of India not to be British mariners within the meaning of 34 G. 3. c. 68.

XX. Provided always, and be it further enacted, that no Asiatic sailors, Lascars, or natives of any of the territories, countries, islands, or places within the limits of the Charter of the East-India Company, although born in territories, countries, islands, or places under the government of his Majesty, or of the East-India Company, shall at any time be deemed or taken to be British sailors, seamen, or mariners, within the intent and meaning of an Act passed in the thirty-fourth year of the reign of his late Majesty, intituled, "An Act for the further encouragement of British Mariners, and for other Purposes therein mentioned," or of any other Act or Acts of Parliament relating to the navigation of British ships by subjects of his Majesty, for the purpose of entitling any ship or vessel to be deemed to be a British ship navigated according to law, and to have the privileges and advantages of British ships having the master and three-fourths of the mariners British subjects, anything in the said recited Act of the thirty-fourth year aforesaid, or in any other Act or Acts of Parliament, or law or laws to the contrary notwithstanding: provided also that it shall be lawful for his Majesty, by his royal proclamation, upon or after the commencement of any hostilities, to permit all merchant ships or any other trading vessels, and all privateers, to be manned wholly or in any such proportions as shall be specified in any such proclamation, with such Asiatic sailors, Lascars, or natives as aforesaid, for and during such periods as shall be specified in any such proclamation as aforesaid.

A proportion of British seamen to the tonnage of any ship sufficient.

XXI. And whereas Lascars and other natives of the East are not deemed to be equal in strength and use to European or other seamen, and the requiring the proportion of three-fourths of British seamen in ships having as part of the crew Lascars and natives of the East, would compel such ships to carry a larger number of British seamen than other ships, or to employ a smaller number of Lascars and natives of the East than would be sufficient to make a proper crew; be it therefore enacted, that any ship or vessel duly registered, manned in part with Lascars or natives of India, which shall be commanded by a British master, and navigated by four British seamen as part of the crew, for every hundred tons of her registered burthen, and so in proportion for any part of a hundred tons shall be deemed, construed, and taken to be navigated according to law as to the crew of any such ship or vessel; although the number of such British seamen shall not be equal to the proportion of three-fourths of the whole crew of such ship or vessel; anything in any Act or Acts of Parliament, or law or laws to the contrary notwithstanding.

In cases where in India a sufficient number of British seamen cannot be obtained, Governors may license the ship to sail.

XXII. And whereas it may not always be possible to procure the due proportion of British seamen at ports in India for vessels sailing from India; be it therefore enacted, that it shall be lawful for any of the governments of the East-India Company in India, or for any governor or lieutenant-governor of any colony, territory, or island belonging to his Majesty, within the limits of the said Charter, and they and he are hereby required, on application made by the owner or commander of any ship or vessel, and after having ascertained by due inquiry that a sufficient number of British seamen cannot be procured for the crew of any ship or vessel sailing from India, within ten days from such application, to certify the same, and license such ship or vessel to sail and carry on her voyage with a less proportion of British seamen than required by law; and every such ship, having on board such licence, and the proportion of British seamen therein specified, shall be deemed to be navigated according to law, notwithstanding such deficiency of British seamen.

Act not to require British seamen on board vessels employed in trade between port and port.

XXIII. Provided always, and be it further enacted, that nothing in this Act, or in any other Act or Acts of Parliament contained shall extend, or be construed to extend, to require any number of British seamen to be on board as part of the crew or mariners of any ship or vessel employed in trade only between ports and places within the limits of the Charter of the said Company, including the Cape of Good Hope.

54 G. 3. c. 134. repealed so far as relates to Asiatic sailors, &c. except as to the recovery of money due on bonds.

XXIV. And be it further enacted, that from and after the first day of June, one thousand eight hundred and twenty-four, all the provisions contained in an Act passed in the fifty-fourth year of the reign of his late Majesty King George the Third, intituled, "An Act to continue until the First Day of January, One thousand eight hundred and sixteen, and to amend several Acts for altering Importations from and Exportations to the Places within the Limits of the Charter of the East-India Company, in Ships not of British-built, and for the better Maintenance and Care of Lascars and other Asiatic Seamen arriving in this Kingdom," relative to Asiatic sailors, Lascars, or natives of any territories, countries, or places within the limits of the Charter of the said United Company, shall be and are hereby repealed; save and except as to the recovery of any sum or sums of money which have become or may become due on any bond or bonds which may have been or ought to have been entered into before the said first day of June, one thousand eight hundred and twenty-four, or of any sum or sums of money which have otherwise become or may become due by virtue of the said Act, before the said first day of June, one thousand eight hundred and twenty-four, all which sums of money shall and may be recovered in the same manner as if this Act had not been passed; anything herein contained to the contrary notwithstanding.

Governor of Fort William to make rules, &c. with respect to masters, &c. of vessels trading under this Act.

XXV. And be it further enacted, that it shall and may be lawful to and for the Governor-general of Fort William in Bengal, in Council, and he is hereby required, as soon as may be, to make, ordain, and publish, and from time to time, as occasion may require, to repeal and alter, and newly to make, ordain, and publish, such rules and regulations, to be observed by masters, officers, and owners of ships and vessels trading under the authority of this Act, the crews of which ships or vessels shall be wholly or in part composed of Asiatic sailors, Lascars, or natives of any of the territories, countries, islands, or places within the limits of the Charter of the said United Company, for the due supply of provisions, clothing, and other necessary accommodation of such Asiatic sailors, Lascars, and natives aforesaid, whilst they shall be on board such ships or vessels, and whilst absent from the countries or places to which they shall respectively belong, and until they shall be carried back to the places to which they may belong, or from whence they may have been brought, and for the

conveyance back of such Asiatic sailors, Lascars, or natives aforesaid, within a reasonable time to be fixed by such rules or regulations.

XXVI. And be it further enacted, that all such rules and regulations, until they shall be repealed or altered, shall be observed and performed according to the true intent and meaning thereof, in like manner as if they had been herein inserted and had formed part of this Act; and a copy of all and every such rules and regulations, signed and authenticated as such by the secretary for the time being of the Government of Bengal, or by the secretary for the time being of the said United Company, shall be deemed and received and taken, in and by all Courts, Justices, and other persons, as full, sufficient, and conclusive evidence of such rules and regulations.

Such rules and regulations to be observed in like manner as if they had formed part of this Act.

XXVII. And be it further enacted, that the master or other person having the command of every ship or vessel trading under the authority of this Act, which from and after the passing of this Act shall arrive at any port in the United Kingdom of Great Britain or Ireland, and which shall have on board, or which during any part of her voyage shall have had on board, either as part of her crew or in any other character, or for any other reason, any Asiatic sailor, Lascar, or native of any of the territories, countries, islands, or places within the limits of the Charter of the said United Company, before such ship or vessel shall be admitted to entry, shall make out and exhibit to the principal officers of the customs, or other person thereunto lawfully authorized, a true and perfect list and description of every such Asiatic sailor, Lascar, or native aforesaid, which shall then be, or who during any part of her voyage shall have been on board such ship or vessel, with a true account and statement what shall have become of every such Asiatic sailor, Lascar, and native aforesaid, who may have been and shall not then be on board.

Masters of vessels to make out list of every Lascar, &c. on board, before such ship shall be admitted to entry.

XXVIII. And be it further enacted, that for every breach or non-observance of any rule or regulation to be made in pursuance of this Act, in relation to Asiatic sailors, Lascars, or natives aforesaid, which shall have happened or taken place, and for every omission to make out and exhibit such list, description, account, or statement of and respecting all such Asiatic sailors, Lascars, or natives aforesaid, as herein is required, the master or commander, and all and every the owners or owner of the ship or vessel on board which any such Asiatic sailor, Lascar, or native aforesaid shall be or shall have been, shall forfeit the sum of ten pounds for every Asiatic sailor, Lascar, or native aforesaid, in respect of whom such breach, non-observance, omission or defect shall have happened or taken place, to be recovered against the master, commander, and owners jointly or severally, by bill, plaint, information, or action, in any of his Majesty's Courts of Record in the United Kingdom of Great Britain and Ireland, or in the East-Indies, or elsewhere, to be commenced in the county or presidency or place where any such offender may happen to be, or by conviction in a summary way before two Justices of the Peace in the United Kingdom, or in the East-Indies, of the county or presidency where any such offender may happen to be: and of which sum and sums so to be forfeited, one-third part thereof shall go, belong, and be paid to the person or persons who shall inform or sue for the same, and the other two-third parts thereof shall be paid to such person or persons as the Court or Justices before whom the same shall be recovered shall award, to be applied in payment or reimbursement of any expense which may have been incurred by or for the use of the Asiatic sailor, Lascar, or native aforesaid, or the respective Asiatic sailors, Lascars, or natives aforesaid, in respect of whom such forfeiture or forfeitures shall have been recovered, or in such other manner, for his or their maintenance,

Penalty for breach of regulations relative to Lascars, &c.

return home, or benefit, as the Court or Justices before whom the same shall be recovered shall direct.

Convictions to be drawn up in the following form:

XXIX. And for the more easy and speedy conviction of the offenders under this Act, be it further enacted, that the Justices of the Peace before whom any person or persons shall be convicted of any offence under this Act, shall and may cause the conviction to be drawn up in the following form of words, or in any other form of words to the like effect as the case may happen; *videlicet,*

Form of conviction.

"Be it remembered, that on the day of
"in the year of our Lord

"*A. B.* [*the offender or offenders*] is [*or* are] convicted before us, two of his "Majesty's Justices of the Peace for [the county *or* presidency, *as the case may be*] "by virtue of an Act made in the fourth year of the reign of his Majesty King George "the Fourth, intituled [*setting forth the title of this Act*] of having [*here state the* "*offence or offences*] which offence [*or* offences, *as the case may be*] has, by confession "of the offender [*or* offenders, *or* the oath of one or more credible witness or witnesses, "*as the case may be*]; for which said offence [*or* offences, *as the case may be*] we do "adjudge that the said offender [*or* offenders] hath [*or* have] forfeited and do pay "the sum of [*the amount forfeited*]; one-third part whereof we do order and direct "to be paid to [*the informer*], and the other two-thirds thereof to *C. D. and E. F.* "[*such persons as the said Justices shall direct*] to be applied [*in such manner as the* "*case may require*] pursuant to the provisions of the said Act. Given under our "hands and seals the day and year first above written."

Recovery of penalties.

XXX. And be it further enacted, that all sums of money of which any person shall be so convicted as aforesaid, shall and may be levied by distress and sale of the goods and chattels of the offender; and that for want of sufficient distress every such offender may be committed to prison in the common gaol or House of Correction, for the space of three calendar months.

Lascars, &c. convicted of vagrancy to be shipped on board of vessel bound to the place from whence brought.

XXXI. And whereas it may happen that Asiatic sailors, Lascars, and natives aforesaid, may refuse to accept the maintenance to be provided for them under the rules and regulations before referred to, or to return home in ships or vessels which may be engaged for that purpose; be it further enacted, that if any such Asiatic sailor, Lascar, or native aforesaid, shall at any time be convicted of an act of vagrancy under any of the laws in force in the United Kingdom respecting vagrants, it shall and may be lawful to and for the Justice or Justices or Magistrates before whom such conviction shall take place, to order and direct that he shall be shipped on board any ship or vessel bound to the place, or as near as may be to the place to which he shall belong, or from which he shall have been brought, and the commander of which shall be willing to take charge of him in order to his being returned thereto, at the expense of the person or persons liable under any rule or regulation to be made as before-mentioned, or of any other person being otherwise willing to defray the same; and it shall and may be lawful for the commander of any such ship or vessel having taken charge of such vagrant, as he is hereby required, to keep and detain him on board his ship for the voyage for which he shall be shipped.

Proceedings not to be quashed for want of form.

XXXII. Provided also, and be it further enacted, that no conviction, order, or proceeding to be made or had by or before any Justices of the Peace, or other magistrate, by virtue of

this Act, shall be quashed or vacated for want of form, and that the order of such justices or other magistrates shall be final, and that no proceedings of any such justices or other magistrates in pursuance of this Act shall be removable by *certiorari* or otherwise.

Actions to be commenced within three months.

XXXIII. And be it further enacted, that if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, then and in every such case, such action or suit shall be commenced or prosecuted within three months after the fact committed, and not afterwards; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead the general issue, and at the trial thereof give this Act and the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in the execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than as afore-mentioned, then the jury shall find for the defendant or defendants; and if the plaintiff shall become nonsuit, or discontinue his or her action after the defendant shall have appeared, or have a verdict against him or her, or if, upon a demurrer, judgment shall be given against the plaintiff, the defendant shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law.

Company to supply all necessaries for distressed Lascars, &c. brought to this country, and may recover expense from owners.

XXXIV. And be it further enacted, that if any Asiatic sailor, Lascar, or native of any of the territories, countries, islands, or places within the limits of the Charter of the said United Company, having been brought to the United Kingdom on board any ship or vessel not being a ship of war in the service of his Majesty, shall from and after the passing of this Act be found within the United Kingdom in distress for want of food, clothing, or other necessaries, it shall be lawful for the said United Company to supply necessary and reasonable relief to such persons, and to maintain them until they shall be sent on board some ship bound for some place within the limits aforesaid; and also to pay, defray, and advance the money necessary to procure such persons proper and sufficient passage to their homes or places from which they were brought; and all such sums as the said Company shall pay for or on account of such relief or maintenance, or passage home, shall constitute and become a joint and several debt due to the said Company from the commander, owner or owners of such ship, on board whereof such person or persons shall have been brought into the said United Kingdom, and shall be recoverable as so much money paid to and for the use of such owner or owners in any of the Courts of the said United Kingdom, or in the East-Indies, if the owner shall reside there, in which actions or suits for the recovery of debts may be sued or prosecuted; and in all such actions and suits, where the said Company shall recover, they shall be entitled to receive full cost of suit.

4 GEORGII IV. Cap. LXXXI.

An Act *to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company; and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced Rate of Postage.* [18*th July*, 1823.]

So much of this Act as related to postage was repealed by 7 Wm. 4, & 1 Vic. cap. 32, and the remainder is by 3 & 4 Vic. cap. 37, repealed from the 1st January 1841, when the last-named Act comes into operation. The law relating to postage of soldiers' and sailors' letters will be found in sec. 53 of 3 & 4 Vic. cap. 96.

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4 GEORGII IV. Cap. LXXXIII.

An Act *for the better Protection of the Property of Merchants and others who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandizes intrusted to Factors or Agents.* [18*th July*, 1823.]

[This Act was amended by 6 Geo. 4, cap. 94, which will be found in its proper place.]

Persons in whose names goods shall be shipped, shall be deemed to be the true owners, so as to entitle consignees to a lien thereon in respect of their advances, or of money or negotiable securities received by the shippers to the use of the consignees, provided the consignees have no notice that the consignors are not the actual proprietors of such property.

Whereas it has been found that the law, as it now stands, relating to goods shipped in the names of persons who are not the actual proprietors thereof, and to the deposit or pledge of goods, affords great facility to fraud, produces frequent litigation, and proves, in its effects, highly injurious to the interest of commerce in general; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted, for the purpose of sale, with any goods, wares, or mechandize, and by whom such goods, wares or merchandize shall be shipped in his, her, or their own name or names, or in whose name or names any goods, wares, or merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true owner or owners thereof, so far as to entitle the consignee or consignees of such goods, wares, and merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such consignee or consignees to or for the use of the person or persons in whose name or names such goods, wares, or merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her, or them to the use of such consignee or consignees, in the like manner to all intents and purposes as if such person or persons was or were the true owner or owners of such goods, wares, and merchandize; provided such consignee or consignees shall not have notice, by the bill of lading for the delivery of such goods, wares, or mer-

chandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security, in respect of which such lien is claimed, that such person or persons so shipping in his, her, or their own name or names, or in whose name or names any goods, wares, or merchandize shall be shipped by any person or persons, is or are not the actual and *bonâ fide* owner or owners, proprietor or proprietors of such goods, wares, and merchandize so shipped as aforesaid, any law, usage, or custom to the contrary thereof in anywise notwithstanding: provided also, that the person or persons in whose name or names any such goods, wares, or merchandize are so shipped as aforesaid, shall be taken for the purposes of this Act to have been intrusted therewith, unless the contrary thereof shall appear or be shewn in evidence by any person disputing such fact.

Any person may take goods or bill of lading in deposit from any consignee; but such person shall not acquire any further right than the consignee possessed.

II. And be it further enacted, that it shall be lawful to and for any person or persons, body or bodies politic or corporate, to accept and take any goods, wares, or merchandize, or the bill or bills of lading for the delivery thereof, in deposit or pledge, from any consignee or consignees thereof, but then and in that case such person or persons, body or bodies politic or corporate, shall acquire no further or other right, title, or interest, in or upon or to the said goods, wares, or merchandize, or any bill of lading for the delivery thereof, than was possessed, or could or might have been enforced by the said consignee or consignees at the time of such deposit or pledge as a security as aforesaid; but such person or persons, body or bodies politic or corporate, shall and may acquire, possess, and enforce such right, title, or interest, as was possessed, and might have been enforced, by such consignee or consignees, at the time of such deposit or pledge as aforesaid; any rule of law, usage, or custom to the contrary notwithstanding.

Right of the true owner to follow his goods while in the hands of his agent, or of his assignees in case of bankruptcy, or to recover them from assignees, &c. upon paying his advances secured upon them, &c.

III. Provided always, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true owner or owners, proprietor or proprietors of such goods, wares, or merchandize, from demanding and recovering the same from his, her, or their factor or factors, agent or agents, before the same shall have been so deposited or pledged, or from the assignee or assignees of such factor or factors, agent or agents, in the event of his, her, or their bankruptcy; nor to prevent any such owner or owners, proprietor or proprietors, from demanding or recovering of and from any person or persons, or of or from the assignees of any person or persons in case of his or her bankruptcy, or of or from any body or bodies politic or corporate, such goods, wares, or merchandize, so consigned, deposited, or pledged, upon repayment of the money, or on restoration of the negotiable security or securities, or on payment of a sum of money equal to the amount of such security or securities, for which money or negotiable security or securities such person or persons, his, her, or their assignee or assignees, or such body or bodies politic or corporate, may be entitled to any lien upon such goods, wares, or merchandize; nor to prevent the said owner or owners, proprietor or proprietors, from recovering of and from such person or persons, body or bodies politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such goods, wares, or merchandize, after deducting thereout the amount of the money or negotiable security or securities so advanced or given upon the security thereof as aforesaid; provided always, that in case of the bankruptcy of such factor or agent, the owner of the goods so pledged and redeemed as aforesaid shall be held to have discharged *pro tanto* the debt due by him to the bankrupt's estate.

4 GEORGII IV. Cap. XCI.

An Act *to relieve his Majesty's Subjects from all Doubt concerning the Validity of certain Marriages solemnized abroad.* [18*th July*, 1823.]

Whereas it is expedient to relieve the minds of all his Majesty's subjects from any doubt concerning the validity of marriages solemnized by a minister of the Church of England in the chapel or house of any British Embassador or Minister residing within the country to the Court of which he is accredited, or in the chapel belonging to any British factory abroad, or in the house of any British subject residing at such factory, as well as from any possibility of doubt concerning the validity of marriages solemnized within the British lines by any chaplain or officer, or other person officiating under the orders of the commanding officer of a British army serving abroad; be it declared and enacted, and it is hereby declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all such marriages as aforesaid shall be deemed and held to be as valid in law as if the same had been solemnized within his Majesty's dominions, with a due observance of all forms required by law.

Marriages solemnized abroad by ministers of the Church of England, &c. declared as valid as if solemnized in his Majesty's dominions.

II. Provided always, and be it further enacted, that nothing in this Act contained shall confirm or impair or anywise affect, or be construed to confirm or to impair or anywise to affect, the validity in law of any marriages solemnized beyond the seas, save and except such as have been or shall be solemnized in the places, form, and manner herein specified and recited.

Not to affect the validity of marriages solemnized beyond seas.

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5 GEORGII IV. Cap. CVIII.

An Act *for transferring to the East-India Company certain Possessions newly acquired in the East-Indies, and for authorizing the Removal of Convicts from Sumatra.* [24*th June*, 1824.]

53 G. 3, c. 155.

Whereas by an Act passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for Establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter;" it was enacted, that the territorial acquisitions mentioned in an Act passed in the thirty-third year of the reign of his said late Majesty, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with

33 G. 3, c. 52.

their exclusive Trade, under certain Limitations; for Establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay;" together with such of the territorial acquisitions obtained since the passing of the said Act upon the continent of Asia, or in any islands situate to the north of the Equator, as were then in the possession of and under the Government of the United Company of Merchants of England trading to the East-Indies, with the revenues thereof respectively, should remain and continue in the possession and under the government of the said United Company, subject to such powers and authorities for the superintendence, direction, and control over all acts, operations, and concerns which relate to the civil or military government or revenues of the said territories, and to such further and other powers, authorities, rules, regulations, and restrictions as had been made or provided by any Act or Acts of Parliament in that behalf, or were made and provided by the said Act of the fifty-third year of the reign of his said late Majesty, for a further term, to be computed from the tenth day of April one thousand eight hundred and fourteen, until the same should be determined by virtue of a proviso contained in the said Act: and whereas the island of Singapore in the East-Indies has, since the passing of the said Act, been occupied by the said United Company: and whereas by a treaty concluded between his Majesty and the King of the Netherlands, on the seventeenth day of March one thousand eight hundred and twenty-four, the King of the Netherlands has agreed, that all his establishments on the continent of India, and also the town and fort of Malacca, and its dependencies, shall be ceded to his Majesty; and it is by the said treaty further stipulated, that the factory of Bencoolen, and all the English possessions in Sumatra, shall be ceded to his Majesty the King of the Netherlands; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said island of Singapore, and also all the colonies, possessions, and establishments ceded to his Majesty by the said treaty, shall be transferred to the United Company of Merchants of England trading to the East-Indies, and holden by the said Company in such and the same manner, to all intents, effects, constructions, and purposes whatsoever, and subject to the same authorities, restrictions, and provisions, as the factory of Bencoolen, and the possessions in the island of Sumatra, were vested in and holden by the said Company immediately before the conclusion of the said treaty.

The island of Singapore ceded to his Majesty, and transferred to the East-India Company.

The second section provides for the removal from Sumatra of convicts who had been transported thither, and for changing the place of punishment with regard to persons under sentence of transportation to Sumatra.

6 GEORGII IV. Cap. XVI.

An Act *to amend the Laws relating to Bankrupts.*

[2*d May*, 1825.]

Debts how to be proved.

XLVI. And be it enacted, that at the three several meetings so appointed by the Commissioners as aforesaid, and at every other meeting by them appointed for proof of debts (whereof and of the purport whereof ten days' notice shall have been given in the *London Gazette*), every creditor of the bankrupt may prove his debt by his own oath; and all bodies politic and public companies incorporated or authorized to sue or bring actions, either by Charter or Act of Parliament, may prove by an agent, provided such agent shall in his deposition swear that he is such agent as aforesaid, and that he is authorized to make such proof; and if any creditor shall live remote from the place of the meeting of the Commissioners he may prove by affidavit, sworn before a Master in Chancery, ordinary or extraordinary, or if such creditor shall live out of England, by affidavit sworn before a magistrate where such creditor shall be residing, and attested by a notary public, British minister or Consul; and no creditor shall pay any contribution on account of any such debt; provided that it shall be lawful for the said Commissioners to examine upon oath, either by word of mouth or by interrogatories in writing, every person claiming to prove a debt under the said commission, or to require such further proof, and to examine such other persons in relation thereto, as they shall think fit.

By corporations, &c.

By creditor remote or abroad.

Creditor may be examined upon oath.

Where trustee becomes bankrupt, the Chancellor may order conveyance or assignment to other trustees.

LXXIX. And be it enacted, that if any bankrupt shall as trustee be seised, possessed of or entitled to, either alone or jointly, any real or personal estate, or any interest secured upon or arising out of the same, or shall have standing in his name as trustee, either alone or jointly, any Government stock, funds, or annuities, or any of the stock of any public company, either in England, Scotland, or Ireland, it shall be lawful for the Lord Chancellor, on the petition of the person or persons entitled in possession to the receipt of the rents, issues, and profits, dividends, interest, or produce thereof, on due notice given to all other persons (if any) interested therein, to order the assignees, and all persons whose act or consent thereto is necessary, to convey, assign, or transfer the said estate, interest, stock, funds, or annuities to such person or persons as the Lord Chancellor shall think fit, upon the same trusts as the said estate, interest, stock, funds, or annuities were subject to before the bankruptcy, or such of them as shall be then subsisting and capable of taking effect; and also to receive and pay over the rents, issues, and profits, dividends, interest, or produce thereof, as the Lord Chancellor shall direct.

Where bankrupt beneficially entitled to stock.

LXXX. And be it enacted, that if any such bankrupt shall have any Government stock, funds, or annuities, or any of the stock of any public company, either in England, Scotland, or Ireland, standing in his name in his own right, it shall be lawful for the Commissioners, by writing under their hands, to order all persons whose act or consent is thereto necessary, to transfer the same into the name of the assignees, and to pay all dividends upon the same to such assignees; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things done or permitted pursuant to such order.

LXXXV. And be it enacted, that if any accredited agent of any body corporate or public company shall have had notice of any act of bankruptcy, such body corporate or company shall be hereby deemed to have had such notice. Bodies politic, &c. deemed to have notice, if persons acting on their behalf had notice.

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6 GEORGII IV. Cap. LXI.

An Act *to amend Two Acts; of the Fifty-eighth year of his late Majesty, for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers; and of the Fourth Year of his present Majesty, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company.* [22*d June*, 1825.]

Whereas an Act was passed in the fifty-eighth year of the reign of his late Majesty King George the Third, intituled, "An Act for Regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers:" and whereas by an Act passed in the fourth year of the reign of his present Majesty, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced Rate of Postage,"(1) and by certain articles of war made in pursuance thereof, provision is made for the care and application of the effects and credits of deceased officers and soldiers in the said Company's service: and whereas the transmission to regimental agents or other persons of the effects or proceeds of effects of officers and soldiers dying in his Majesty's service, or in the service of the said Company, has been found highly beneficial in securing an early distribution of such effects among the relations of such officers and soldiers at small expense, and many sums are thereby saved to the relations of soldiers, which would otherwise be, from their small amount, wholly lost; and it is therefore expedient to render the provisions of the said recited Acts, relating to such matters, more effectual: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for all officers and persons who may be employed or required by or under the authority of any articles of war in force for the time being, either for the officers or soldiers in the service of his Majesty, or for the European officers or soldiers in the service of the said Company, to take care of or collect, or superintend and direct the collection of the effects of officers or soldiers dying in service out of the United Kingdom, to ask, demand, and receive any such effects, and to commence, prosecute, and carry on any actions or suits for the recovery thereof, without taking out any letters of administration, either with any will annexed or otherwise, in like manner in every respect as if such officers or persons had been appointed executors, or had taken out letters of administration of such effects; and no registrar of any Court in the East-Indies, or elsewhere in any colonies or possessions of his Majesty abroad, shall in any manner interpose in relation to any such effects, unless required or au-

58 G. 3, c. 73.

4 G. 4, c. 81.

Officers and others authorized under the Articles of War to take care of the effects of officers and soldiers, empowered to collect and receive the same, without taking out letters of administration, &c.

thorized so to do by any such officers or persons under the provisions of this Act, any Act or Acts of Parliament, law, statute, or usage to the contrary notwithstanding. (2)

(1) [Repealed by 3 & 4 Vict. cap. 37.]

(2) [With reference to officers and soldiers in the service of the East-India Company, see 3 & 4 Vict., cap. 37, secs. 48 to 52.]

Effects remitted to agents, &c. not to be deemed assets within the province in which they reside, so as to render administration necessary, &c.

II. And be it further enacted, that such effects or proceeds of effects, when remitted to any regimental agent or other person, under any order or regulation of the Secretary at War in that behalf, or of the military secretary to the government of any of the said Company's presidencies respectively, shall not, by reason of coming into the hands of such agent or person, be deemed or taken to be assets or effects within the province in which such agent or person shall reside, so as to render it necessary that administration should be taken out in respect thereof in such province, unless administration of any other effects of the officer or soldier to whom the proceeds so remitted shall have belonged shall have been or shall be taken out in such province; and it shall be lawful for the Secretary at War, in all cases relating to the effects of any officer or soldier in his Majesty's service, and for the military secretary to the government of the presidency to which the deceased officer or soldier shall have belonged, in all cases relating to the effects of any European officer or soldier in the service of the said Company, to order that any such effects or proceeds of any such effects shall be remitted to any other place where the same can be more conveniently paid over to the person or persons entitled thereto; and the obedience to any such orders by any agent or person to whose hands any such effects shall come, shall be a sufficient discharge to such agent or person; and no such agent or person shall be liable to any action or suit by reason of any such effects or proceeds of effects having been in his hands, and thereafter transmitted under the order of the Secretary at War or military secretary respectively in that behalf. (1)

Place of remittance may be changed to suit the persons entitled to the effects.

(1) [*Vide* note (2) on sec. 1.]

Surplus only, after payment of funeral expenses and debts, &c. to be deemed the personal estate of the deceased.

III. And be it further enacted, that it shall be lawful for the Secretary at War, in the case of any officer or soldier in his Majesty's service, and for the military secretary to the government of the presidency to which the deceased officer or soldier shall have belonged, in the case of any European officer or soldier in the service of the said Company, to order or direct the payment of any charges or expenses attending or relating to the illness or funeral of any such officer or soldier, out of any such effects or proceeds of effects, or out of any arrears of pay or half-pay, and that such charges and expenses, together with all regimental debts and military payments which may be allowed under the provisions of any Act or Acts of Parliament, or Articles of War made in pursuance thereof, shall be made out of such effects or proceeds of effects, or arrears of pay or half-pay, and the surplus only, after such payment, shall be deemed the personal estate of the deceased. (1)

(1) [*Vide* note (2) on sec. 1.]

6 GEORGII IV. Cap. LXXXV.

An Act *for further regulating the Payment of the Salaries and Pensions to the Judges of his Majesty's Courts in India, and the Bishop of Calcutta; for authorizing the Transportation of Offenders from the Island of Saint Helena; and for more effectually providing for the Administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.*

[*5th July*, 1825.]

Whereas by an Act made and passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," it was enacted, that it should be lawful for his Majesty, by Charter or Letters Patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William in Bengal, to consist of a Chief Justice and three other Judges, to be named from time to time by his Majesty, his heirs and successors; and that the Court of Directors of the United Company of Merchants of England trading to the East-Indies should direct and cause to be paid certain established salaries to the Chief Justice and each of the Judges of the said Supreme Court of Judicature at Fort William in Bengal; that is to say, to the Chief Justice eight thousand pounds by the year, and to each of the Judges of the said Supreme Court, six thousand pounds by the year, in manner therein mentioned: and whereas his said late Majesty King George the Third, by his Letters Patent under the great seal of Great Britain, bearing date at Westminster the twenty-sixth day of March, in the fourteenth year of his reign, did erect and establish such Supreme Court of Judicature at Fort William in Bengal accordingly, and did declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said in part recited Act provided for that purpose; and whereas by virtue of an Act made in the thirty-seventh year of the reign of his said late Majesty King George the Third, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British subjects from being concerned in Loans to the Native Princes in India," the number of Puisne Judges of the said Supreme Court of Judicature at Fort William in Bengal was reduced to two; and whereas by an Act made in the thirty-ninth and fortieth years of the reign of his said late Majesty King George the Third, intituled, "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," it is enacted, that it should and might be lawful for his Majesty, his heirs and successors, by Charter or Letters Patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Madras in the East-Indies, to consist of such and the like number of persons, to be named from time to time by his Majesty, his heirs and successors, as the said Supreme Court of Judicature at Fort William in Bengal; and that the Court of Directors of the said United Company should direct and cause to be paid certain and established salaries to the Chief Justice, and each of the Judges of such Supreme Court of Judicature at Madras, as should be by the said new Charter established; (that is to say), to the Chief Justice six thousand pounds by the year: and to each of the Judges of the said Supreme Court of Judicature at Madras five thousand pounds by the year;

13 G. 3, c. 63.

37 G. 3, c. 142.

39 & 40 G. 3. c. 79.

and that such salaries should be paid and payable to each and every of them respectively out of the territorial revenues of the said settlement of Madras, at an exchange of eight shillings for the pagoda of that settlement: and whereas his said late Majesty King George the Third, by his Letters Patent, under the great seal of Great Britain, bearing date at Westminster, the twenty-sixth day of December, in the forty-first year of his reign, did erect and establish such Supreme Court of Judicature at Madras accordingly, and did grant, ordain, appoint, and declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said last-mentioned Act, pro-
37 G. 3, c. 142. vided for that purpose; and whereas by an Act passed in the thirty-seventh year of the reign of his late Majesty King George the Third, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India," it is among other things enacted, that it should be lawful for his said Majesty, by Charter or Letters Patent under the great seal of Great Britain, to erect and establish a Court of Judicature at Bombay, to consist of the mayor and three of the aldermen resident at the said settlement of Bombay, together with one other person to be named from time to time by his said Majesty, his heirs and successors, to be the President of the said Court, and to be styled "the Recorder of Bombay;" and that during such time as the said settlement of Bombay should remain in the possession of the said United Company, the Court of Directors of the said United Company should direct and cause to be paid to the Recorder of the said Court of Judicature at Bombay, the yearly sum of five thousand pounds, such salary to be paid out of the revenues of the said settlement of Bombay, at an exchange of two shillings and sixpence for the Bombay rupee, and to commence and take place from such time as therein is mentioned: and whereas his said Majesty King George the Third, by his Letters Patent under the Great Seal of Great Britain, bearing date at Westminster the twentieth day of February in the thirty-eighth year of his reign, did erect and establish such Court of the Recorder of Bombay accordingly, and did grant and declare, that the Recorder of the said Court should, so long as he should hold the said office, be entitled to have and receive the salary in the said last-mentioned Act provided for that
4 G. 4, c. 71. purpose: and whereas by an Act passed in the fourth year of the reign of his present Majesty, intituled "An Act for defraying the Charge of Retiring Pay, Pensions, and other Expenses of that nature of his Majesty's Forces serving in India; for establishing the Pensions of the Bishop, Archdeacons and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay; it is enacted, that it should and might be lawful for his said Majesty, his heirs and successors, by Charter or Letters Patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Bombay, aforesaid, to consist of such and the like number of persons to be named from time to time by his said Majesty, his heirs and successors, as the said Supreme Court of Judicature at Fort William in Bengal: and that the Court of Directors of the said United Company should direct and cause to be paid certain and established salaries to the Chief Justice and each of the Judges of such Supreme Court of Judicature at Bombay as should be by the said new Charter established; that is to say, to the Chief Justice fifty-two thousand two hundred Bombay rupees by the year, and to each of the Puisne Judges of the said Supreme Court of Judicature at Bombay, forty-three thousand five hundred Bombay rupees by the year; and that such salaries should be paid and payable to each and every of them respectively out of the territorial revenues of the said settlement of Bombay: and whereas his said Majesty King George the Fourth, by his Letters Patent under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the eighth day of

December in the fourth year of his reign, did erect and establish such Supreme Court of Judicature at Bombay accordingly, and did grant and declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said last-mentioned Act provided for that purpose: and whereas his late Majesty King George the Third did, by his Letters Patent bearing date at Westminster the twenty-fifth day of March in the forty-seventh year of his reign, for himself, his heirs and successors, give and grant unto the said United Company and their successors, and did direct, ordain, and appoint that there should be within the factory of Prince of Wales' Island, and the places then or any time to be subordinate or annexed thereto, a Court of Record, to be called "The Court of Judicature of Prince of Wales' Island," and did thereby erect, create, and constitute the said Court of Judicature of Prince of Wales' Island to be a Court of Record; and his said late Majesty did, by his said Letters Patent, further will, ordain, and appoint that the said Court of Judicature should consist of and be holden before the Governor or President and the three counsellors of the said factory for the time being, as four of the Judges of the said Court, and before one other Judge, to be called "The Recorder of Prince of Wales' Island," and which Recorder of Prince of Wales' Island it is ordained should be a barrister in England or Ireland of not less than five years standing, to be named and appointed from time to time by his said Majesty, his heirs and successors, by Letters Patent under the great seal of the United Kingdom of Great Britain and Ireland; and his said Majesty did thereby further direct, that the said Recorder of Prince of Wales' Island should hold his office during the pleasure of his said Majesty, his heirs and successors, and did further direct, ordain, and appoint, that it should and might be lawful to and for the said Recorder of Prince of Wales' Island to receive from the said United Company a salary equal to the yearly sum of three thousand pounds money current in that part of the United Kingdom called England, to be calculated at the exchange of five shillings of the said lawful money for every dollar current within the said factory, and whereas by an Act made and passed in the fifty-third year of the reign 53 G. 3. c. 155.
of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges, for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same, and for regulating the trade to and from the Places within the Limits of the said Company's Charter," it is amongst other things enacted, that in case it should please his Majesty, by his royal Letters Patent under the great seal of the said United Kingdom, to erect, found, and constitute one bishopric for the whole of the said British territories in the East-Indies and parts aforesaid, and from time to time to nominate and appoint a bishop, the Court of Directors of the said Company, during such time as the said territorial acquisitions should remain in the possession of the said Company, should and they were thereby required to direct and cause to be paid a certain established salary from and out of the revenues of the said presidency of Fort William in Bengal, to the said bishop, of five thousand pounds by the year, at an exchange of two shillings for the Bengal current rupee: and whereas his said late Majesty King George the Third did, by his Letters Patent bearing date at Westminster the second day of May one thousand eight hundred and fourteen, in the fifty-fourth year of his reign, erect, found, and constitute such bishopric accordingly: and whereas it is deemed expedient to make further and different provisions for the payment of the salaries of the Judges of the said Supreme Courts of Judicature at Madras and Bombay respectively, and to make provision for the payment to any of the Puisne Judges of the said Supreme Courts of Judicature at Fort William in Bengal, and at Madras and Bombay respectively, who, during the vacancy

of the office of Chief Justice in any of the said Courts, shall execute and discharge the duties of Chief Justice, of the salary of the office of Chief Justice, in lieu of that of Puisne Judge, in respect of the time during which such Puisne Judge shall so execute and discharge the office of Chief Justice; and it is also expedient to make further provision for all such Chief Justices, Bishops, Judges, and Recorders respectively, so as that the acceptance of such offices respectively shall not be the occasion of actual loss to their representatives in the event of the death of any such Chief Justices, Bishops, Judges, or Recorders respectively having taken place or hereafter taking place after their arrival in India; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the Court of Directors of the said United Company shall and they are hereby required to direct and cause to be paid to the Chief Justices and each of the Puisne Judges of the said Supreme Court of Judicature at Madras, in lieu and instead of the salaries paid or payable to them respectively under or by virtue of the said recited Acts of the thirty-ninth and fortieth years of his late Majesty's reign, in like manner and subject to the same regulations and provisions as the said salaries have been heretofore or are now paid and payable, and not otherwise, the salaries hereinafter mentioned: that is to say, to the Chief Justice of the said Supreme Court of Judicature at Madras, the sum of fifty-eight thousand Madras rupees by the year, to be computed from the first day of January one thousand eight hundred and eighteen, to the time of the passing of this Act, and from thenceforth a salary after the rate of sixty thousand Madras rupees by the year; and to each of the Puisne Judges of the said last-mentioned Court a salary after the rate of forty-eight thousand Madras rupees by the year, to be computed from the first day of January one thousand eight hundred and eighteen to the time of the passing of this Act, and from thenceforth a salary after the rate of fifty thousand Madras rupees by the year; and that such salaries shall be paid and payable to each and every of them respectively, out of the territorial revenues of the said settlement of Madras.

Salaries to Judges at Madras.

Salaries to Judges at Bombay.

II. And be it further enacted, that the Court of Directors of the said United Company shall and they are hereby required to direct and cause to be paid to the Chief Justice and each of the Puisne Judges of the said Supreme Court of Judicature at Bombay, in lieu and instead of the salaries paid or payable to them respectively under or by virtue of the said recited Act of the fourth year of his present Majesty, in like manner and subject to the same regulations and provisions as the said salaries have been heretofore or are now paid or payable, and not otherwise, the salaries hereinafter mentioned; that is to say, to the Chief Justice of the said Supreme Court of Judicature at Bombay a salary after the rate of fifty-eight thousand Bombay rupees by the year, to be computed from the eighth day of May one thousand eight hundred and twenty-four, to the time of the passing of this Act, and from thenceforth a salary after the rate of sixty thousand Bombay rupees by the year; and to each of the Puisne Judges of the said last-mentioned Court the sum of forty-eight thousand Bombay rupees by the year, to be computed from the said eighth day of May one thousand eight hundred and twenty-four, to the time of the passing of this Act, and from thenceforth a salary after the rate of fifty thousand Bombay rupees by the year; and that such salaries shall be paid and payable to each and every of them respectively, out of the territorial revenues of the said settlement of Bombay.

Section 3 directs certain payments to be made to all persons who had held the office of Recorder of Bombay, between the 1st of January,

1818, and the 8th May, 1824, in addition to the salaries previously paid.

Judge executing the office of Chief Justice to be entitled to his salary.

IV. And be it further enacted, that when and as often as it shall happen that in consequence of the vacancy of the office of Chief Justice in any of the said Supreme Courts of Judicature at Fort William in Bengal, or at Madras or Bombay respectively, one of the Puisne Judges of the said Courts respectively shall preside for and exercise the office of such Chief Justice, such Puisne Judge so acting as Chief Justice during a vacancy, and until the arrival of the person appointed to succeed to the office of Chief Justice, shall be entitled to receive, in lieu of his proportion of salary as a Puisne Judge of such Court, such a proportion of salary (and no more) as would have become due to such Chief Justice during the period while the vacancy shall be supplied by such Puisne Judge as aforesaid, and that the payment of such rate of salary to a Puisne Judge so acting or having acted as such Chief Justice in any of the said Supreme Courts respectively, shall commence and take effect from the twenty-second day of January one thousand eight hundred and twenty-two.

Provision in case any Judge or Bishop, &c. shall die either during his voyage, or within six months after his arrival, &c.

V. And be it further enacted, that in all cases from and since the said twenty-second day of January one thousand eight hundred and twenty-two, in which it has already happened, or when and as often as it shall hereafter happen, that any Chief Justice or Puisne Judge of any of the said Supreme Courts of Judicature at Fort William in Bengal, Madras, or Bombay, or the Recorder of Prince of Wales' Island, or any Bishop of Calcutta, shall have departed, or shall hereafter depart this life, either during his voyage to India or within six calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such Chief Justice or Puisne Judge, Recorder, or Bishop, the Court of Directors of the said United Company shall and they are hereby required to pay, or direct and cause to be paid, out of the territorial revenues from which the salary of such Chief Justice or Puisne Judge, Recorder, or Bishop so dying shall be payable, to the legal personal representatives of such Chief Justice or Puisne Judge, Recorder, or Bishop so dying as aforesaid, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such Chief Justice or Puisne Judge, Recorder, or Bishop, in respect of his salary, make up the full amount of one year's salary of the office to which he shall have been appointed; and that from and since the first day of January one thousand eight hundred and twenty-three, when and as often as it shall have happened or shall hereafter happen that any such Chief Justice or Puisne Judge, Recorder, or Bishop hath departed or shall depart this life while in possession of such office, and after the expiration of six calendar months from the time of his arrival in India for the purpose of taking upon him the office of Chief Justice, Puisne Judge, Recorder, or Bishop, then and in all and every of such cases as the said Court of Directors shall and they are hereby required to pay or direct and cause to be paid, out of the territorial revenues from which the salary of such Chief Justice, Puisne Judge, Recorder, or Bishop so dying shall be payable, to the legal personal representatives of such Chief Justice or Puisne Judge, Recorder, or Bishop respectively, so dying as aforesaid, over and above what may have been due to such Chief Justice or Puisne Judge, Recorder, or Bishop respectively at the time of his death, a sum equal to the amount of six calendar months' salary of the office of such Chief Justice or Puisne Judge, Recorder, or Bishop respectively.

4 G. 4, c. 71, s. 15.

VI. And whereas under and by virtue of the said Act of the fourth year of the reign of his present Majesty, his Majesty is empowered to direct and authorize certain allowances

to be made out of the revenues of the British territories in India to the Chief Justices and Puisne Judges of the Supreme Courts respectively, and to the Recorder of Prince of Wales' Island, on their respectively resigning their respective offices, after a residence in India for ten years; and whereas it is expedient to shorten the period during which such Chief Justices, Judges, and Recorders respectively are required to hold their offices in India before an allowance can be granted to them, and to make other provisions respecting such allowances; be it therefore enacted, that so much of the said Act of the fourth year of the reign of his present Majesty as relates to the said allowances, and the length of residence in India necessary to entitle the parties thereto, shall be and the same is hereby repealed.

Repeal of provisions in 4 G. 4, c. 71, s. 15 and 16, as to residence.

Pensions to Chief Justices and Judges on resignation.

VII. And be it further enacted, that if any of the Chief Justices or Puisne Judges of the said Supreme Courts of Judicature at Fort William, Madras, or Bombay respectively, or the Recorder of the Court of Judicature of Prince of Wales' Island, shall resign his office in consequence of age, infirmity, or other cause, to be approved by his Majesty, his heirs or successors, it shall and may be lawful for his Majesty, his heirs or sucessors, by warrants under the sign manual, to direct and authorize an allowance to be made out of the revenues of the British territories in India, to such Chief Justice, Puisne Judges, or Recorder so resigning subject to the limitations and restrictions herein-after provided; that is to say, provided always, that it shall not be lawful for his Majesty to direct any such allowance to be made to any person who shall not have resided in India for five years, either as Chief Justice or as a Puisne Judge (or partly as one and partly as the other) of some or one of the said Supreme Courts.

Five years' residence necessary.

Limitation of allowance to Chief Justice of Fort William.

VIII. Provided also, and be it enacted, that it shall not be lawful to direct any larger allowance to be made to any Chief Justice of the said Supreme Court of Judicature at Fort William, than the sum of one thousand pounds sterling-per annum, unless he shall have resided in India as such Chief Justice or Puisne Judge, or partly as one and partly as the other, for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand three hundred pounds sterling per annum, unless he shall have resided in India as such Chief Justice or Puisne Judge, or partly as one and partly as the other, for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of two thousand pounds sterling per annum.

Limitation of allowance to Chief Justices of Madras and Bombay.

IX. Provided also, and be it further enacted, that it shall not be lawful to direct any larger allowance to be made to either of the Chief Justices of the said Supreme Courts of Judicature at Madras or Bombay, than the sum of eight hundred pounds sterling per annum, unless he shall have resided in India as such Chief Justice or Puisne Judge, or partly as one and partly as the other, for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum, unless he shall have resided in India as such Chief Justice or Puisne Judge, or partly as one and partly as the other, for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand six hundred pounds sterling per annum.

Limitation of allowance to Puisne Judges of Fort William.

X. Provided also, and be it further enacted, that it shall not be lawful to direct any larger allowance to be made to either of the Puisne Judges of the said Supreme Court of Judicature at Fort William, than the sum of seven hundred and fifty pounds sterling per annum, unless he shall have resided in India as such Puisne Judge for seven years; nor if he shall have so

resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum, unless he shall have resided in India as such Puisne Judge for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand five hundred pounds sterling per annum.

XI. And be it further enacted, that it shall not be lawful to direct any larger allowance to be made to any one of the Puisne Judges of either of the said Supreme Courts of Judicature at Madras or Bombay respectively, than the sum of six hundred pounds sterling per annum, unless he shall have resided in India as such Puisne Judge for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of eight hundred pounds sterling per annum, unless he shall have resided in India as such Puisne Judge for ten years; nor if he shall have so resided for ten years shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand two hundred pounds sterling per annum.

Limitation of allowance to Puisne Judges of Madras and Bombay.

XII. Provided also, and be it further enacted, that it shall not be lawful for his Majesty to direct any larger allowance to be made to any Chief Justice of any of the said Supreme Courts so resigning, than the amount by this Act limited for the allowance to be made to the Puisne Judges of the Court to which such Chief Justice shall belong, unless he shall have held the office of a Chief Justice of one of the said Supreme Courts during five years of his residence in India.

Chief Justice not to have more than Puisne Judge, unless he has been Chief Justice for five years.

XIII. And be it further enacted, that it shall not be lawful to direct any larger allowance to be made to the Recorder of the said Court of Judicature of Prince of Wales' Island, than the sum of five hundred pounds sterling per annum, unless he shall have resided in India as such Recorder for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of six hundred and fifty pounds sterling per annum, unless he shall have resided in India as such Recorder for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum.

Limitation of allowance to Recorder of Prince of Wales' Island.

XIV. Provided also, and be it further enacted, that if any person having for any time resided in the East-Indies as Recorder of the said Court of Judicature of Prince of Wales' Island shall have been or shall be appointed to the office of Chief Justice or Puisne Judge of either of the said Supreme Courts of Fort William, Madras, or Bombay, the period of residence of such person in the East-Indies as such Recorder of the said Court of Judicature of Prince of Wales' Island shall be accounted and taken as and for a residence in India, as a Puisne Judge of such Courts respectively, in the proportion of three years' residence as such Recorder to two years' residence as such Puisne Judge; and that if such person shall have resided in the East-Indies partly as such Recorder, and partly as such Chief Justice or Puisne Judge, it shall and may be lawful for his Majesty, his heirs and successors, in manner herein-before mentioned, to direct such allowance to be made to such person as might lawfully be directed in case such person had resided the whole of such time as such Recorder, and had resigned the office of such Recorder, although such person may not have resided in India for such length of time as to entitle him, under the provisions herein contained, to the allowance of a Chief Justice or Puisne Judge.

Time of Recorder appointed Judge to be reckoned at a certain rate.

53 G. 3, c. 155. XV. And whereas under and by virtue of an Act made and passed in the fifty-third year of the reign of his late Majesty King George the Third, and of another Act made and passed in the fourth year of the reign of his present Majesty, provision is made for granting a pension to the Bishop of Calcutta, under the limitations therein contained, and it is expedient to make further provision in respect thereof; be it further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, in manner in the said Act of the fifty-third year of the reign of his late Majesty mentioned, to grant to any such Bishop who shall have exercised within the limits of the Charter of the said United Company the office of Bishop of Calcutta for five years a pension not exceeding one half of the sum which his Majesty, by the said Act of the fifty-third year of the reign of his late Majesty, is empowered to grant to any such Bishop; and also to grant to any such Bishop who shall have exercised within the limits aforesaid the said office of Bishop of Calcutta for seven years, a pension not exceeding two-thirds of the sum which his Majesty, by the said Act of the fifty-third year of his late Majesty's reign, is empowered to grant to any such Bishop. (1)

4 G. 4, c. 71, s. 2 & 3.

Pension to Bishop on resignation.

(1) [The amount named in 53 Geo. 3, cap. 155, is £1,500 per annum. The reduced pensions sanctioned by this Act are consequently £750 and £1,000 per annum. These enactments apply to the Bishop of Calcutta only. The retiring pensions of the Bishops of Madras and Bombay are regulated by 3 & 4 Wm. 4, cap. 85, sec. 96.]

Resignation under ten years' service for other cause than illness not to entitle to pension.

XVI. Provided also, and be it further enacted, that it shall not be lawful for his Majesty, his heirs or successors, to direct any such allowance to be made to any such Chief Justice, Puisne Judge, Recorder, or Bishop respectively, who before he shall have held and exercised such office, or some or one of such offices, for the space of ten years in the whole, shall resign his said office for any other cause than in consequence of illness or infirmity, to be proved to the satisfaction of his Majesty, his heirs or successors.

Sections 17 and 18 contain penal enactments relating to St. Helena, which is not now under the government of the Company.

Administration of justice in Singapore and Malacca.

42 G. 3, c. 29.

XIX. And whereas under and by virtue and according to the effect of an Act passed in the forty-second year of the reign of his late Majesty King George the Third, intituled, "An Act to authorize the East-India Company to make their Settlement at Fort Marlborough in the East-Indies a Factory subordinate to the Presidency of Fort William in Bengal, and to transfer the Servants, who on the Reduction of that Establishment shall be supernumerary, to the Presidency of Fort Saint George;" and an Act passed in the fifth year of the reign of his present Majesty King George the Fourth, intituled, "An Act for transferring to the East-India Company certain Possessions newly acquired in the East-Indies, and the Removal of Convicts from Sumatra, the Island of Singapore in the East-Indies, and the Town and Fort of Malacca and its Dependencies," and all the colonies, possessions, and establishments ceded by his Majesty the King of the Netherlands to his said present Majesty King George the Fourth, by a treaty concluded between their said Majesties on the seventeenth day of March, one thousand eight hundred and twenty-four, have become and now are factories subordinate to the Presidency of Fort William in Bengal,

and thereby, by virtue of an Act passed in the thirty-ninth and fortieth years of the reign of his said late Majesty King George the Third, intituled, "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," are subject to the jurisdiction of the Supreme Court of Judicature at Fort William aforesaid; and it may be expedient that some other provision should be made for the administration of justice within the said island and other places aforesaid; be it therefore enacted, that it shall and may be lawful to and for his Majesty, his heirs and successors, by Letters Patent under the great seal of Great Britain, or in any other lawful manner, to make such provision for the administration of justice in civil, criminal, ecclesiastical, and Admiralty matters arisen and to arise within the said island of Singapore, and the said town and fort of Malacca and its dependencies, as by his and their royal prerogative he or they might have done if the said last-mentioned Act had never been made or passed; and in case any such provision shall be made by his Majesty, his heirs and successors, then the said island, and the said town and fort and its dependencies, from the time or several times when such provision shall take effect, or from any other time or times to be appointed by his Majesty, his heirs or successors, and all the inhabitants of the said island, and the said town, fort, and its dependencies, and other persons being thereon, shall cease to be subject to and shall be wholly exempt from the jurisdiction of the said Supreme Court; the said last-mentioned Act, or any other law or statute, to the contrary thereof in anywise notwithstanding. 39 & 40 G. 3, c. 79.

XX. And be it further enacted, that from and after the first day of January next the colonies, possessions, and establishments so ceded to his Majesty, and which are situate on the coast of Coromandel, or in the northern Circars in the East-Indies, and all the inhabitants of the said colonies, possessions, and establishments, and all other persons being therein, shall cease to be subject to, and shall be wholly exempt from the jurisdiction of the said Supreme Court of Judicature in Bengal; and the said colonies, possessions, and establishments, and all the inhabitants thereof, and all other persons being therein, shall be subject and amenable to the jurisdiction and authority of the Supreme Court of Judicature at Fort Saint George in the East-Indies, in like manner as any other place being or deemed to be a factory subordinate to the government of Fort Saint George, and the inhabitants thereof, whether Europeans or natives, as the case may be, is or are or ought to be liable and amenable thereto; the said Act of the thirty-ninth and fortieth years of his late Majesty's reign, or any other law or statute, to the contrary thereof in anyways notwithstanding.

Colonies ceded to his Majesty to be under jurisdiction of Fort St. George.

XXI. And be it further enacted, that it shall and may be lawful for the Court of Directors for the time being of the said United Company to declare and appoint that the said island of Singapore and the said town and port of Malacca and its dependencies, and the colonies, possessions, and establishments so ceded as aforesaid or any of them, shall cease to be factories or a factory subordinate to the said presidency of Fort William in Bengal, and that they shall be annexed to and be considered as and be part of the settlement of Prince of Wales' Island (1) or as factories or a factory subordinate to the said presidency of Fort Saint George, or to any presidency or government of the said United Company, or that they or any of them shall be independent settlements or an independent settlement, subject to such government as the said United Company, under and by virtue of the Charters granted to them or otherwise, may lawfully appoint, and from time to time, as occasion may require, to revoke and alter such appointments or appointment, and to place the said island, town, fort, and its dependencies, and the said colonies, possessions, and establishments, under such pre-

Singapore and Malacca annexed to Prince of Wales' Island.

sidency or government, or to be independent, as to them shall seem fit and expedient, subject nevertheless to the superintendence, direction, and control of the Commissioners for the affairs of India, in like manner as any acts or orders of the said Court of Directors are now by law subject; and the said island, town, fort, and its dependencies, colonies, possessions, and establishments, so ceded as aforesaid, and the revenues thereof and the civil servants connected therewith respectively, shall, from and after the time to be by the said Court of Directors limited and appointed, be to all intents and purposes annexed to the presidency or government to be appointed in manner aforesaid, or such island and places aforesaid, shall be an independent settlement or independent settlements, and the revenues and civil servants thereof shall be annexed thereto, according to the true intent and meaning of such appointment as aforesaid: any law or statute to the contrary thereof in anywise notwithstanding.

(1) [Prince of Wales' Island is now, with all the Eastern settlements, under the presidency of Fort William.]

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6 GEORGII IV. Cap. XC.

An Act *to amend an Act of the Fifty-seventh Year of his late Majesty, for enabling his Majesty to recompence the Services of Persons holding or who have held certain high and efficient Civil Offices.* [*5th July,* 1825.]

57 G. 3, c. 65.

Whereas by an Act passed in the fifty-seventh year of the reign of his late Majesty, intituled, "An Act to enable his Majesty to recompence the Services of Persons holding or who have held certain high and efficient Civil Offices," it was enacted, that it should be lawful for his Majesty, his heirs and successors, to grant pensions, under the limitations and regulations therein prescribed, to persons holding or having holden certain high and effective civil offices; which offices were in the said Act specified in four several classes: and whereas it is expedient that the offices herein-after mentioned should be included in the provisions of the said Act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the office of President of the Board of Commissioners for the affairs of India, and the office of President of the Committee of Council appointed for the consideration of matters relating to trade and foreign plantations, shall be deemed to be comprised in the first class of offices specified in the said recited Act; and that the office of Vice-president of the Committee of Council appointed for the consideration of matters relating to trade and foreign plantations, shall be deemed to be comprised in the third class of offices specified in the said recited Act; and that the office of Chief Secretary to the Board of Commissioners for the affairs of India shall be deemed to be comprised in the fourth class of offices specified in the said recited Act; and that it shall be lawful for his Majesty, his heirs and successors, to grant to persons who shall have served the Crown in the offices herein-before enumerated respectively, such pensions respectively as might have been granted to them respectively under the said recited Act, if the several offices herein-before enumerated had been specifically named in the said recited Act, and had been thereby respectively placed in

President of Board of Control, President of Board of Trade, to be deemed in 1st class;

Vice-President of Board of Trade, in 3d class;

and Chief Secretary of Board of Control in 4th class;—of offices specified in Civil Pensions Act.

the classes hereby assigned to them; and that all the limitations, conditions, regulations, and provisions contained in the said recited Act, shall be construed so as to give full force and effect to the intents and purposes as well of this Act as of the said recited Act. (1)

(1) [*Vide* 4 & 5 Wm. 4, cap. 24, secs. 1, 4, 5, 6, and 7.]

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6 GEORGII IV. Cap. XCIV.

An Act *to alter and amend an Act for the better Protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandize intrusted to Factors or Agents.* [*5th July*, 1825.]

Whereas an Act passed in the fourth year of the reign of his present Majesty, intituled, "An Act for the better Protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandize intrusted to Factors or Agents:" (1) and whereas it is expedient to alter and amend the said Act, and to make further provisions in relation to such contracts or agreements, as hereinafter provided: be it therefore enacted by the king's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted, for the purpose of consignment or of sale, with any goods, wares, or merchandize, and who shall have shipped such goods, wares, or merchandize in his, her, or their own name or names, and any person or persons in whose name or names any goods, wares, or merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true owner or owners thereof, so far as to entitle the consignee or consignees of such goods, wares, and merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such consignee or consignees to or for the use of the person or persons in whose name or names such goods, wares, or merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her, or them, to the use of such consignee or consignees, in the like manner to all intents and purposes as if such person or persons was or were the true owner or owners of such goods, wares, and merchandize; provided such consignee or consignees shall not have notice by the bill of lading for the delivery of such goods, wares, or merchandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her, or their own name or names, or in whose name or names any goods, wares, or merchandize shall be shipped by any person or persons, is or are not the actual and *bonâ fide* owner or owners, proprietor or proprietors of such goods, wares, or merchandize so shipped as aforesaid, any law, usage, or custom to the contrary thereof in anywise notwithstanding: provided also, that the person or persons in whose name or names any such goods, wares, or merchandize are so shipped as aforesaid, shall be taken, for the purposes of this Act, to have been intrusted therewith for the

4 G. 4, c. 83.

Factors or agents having goods or merchandize in their possession, shall be deemed to be the true owners, so as to give validity to contracts with persons dealing *bonâ fide* upon the faith of such property.

purpose of consignment or of sale, unless the contrary thereof shall be made to appear by bill of discovery or otherwise, or be made to appear, or be shewn in evidence by any person disputing such fact. (1)

(1) [The Act referred to will be found in its place in this volume.]

Persons in possession of bills of lading, &c. to be the owner so far as to make valid contracts.

II. And be it further enacted, that from and after the first day of October, one thousand eight hundred and twenty-six, any person or persons intrusted with and in possession of any bill of lading, India warrant, dock warrant, warehouse-keeper's certificate, wharfinger's certificate, warrant or order for delivery of goods, shall be deemed and taken to be the true owner or owners of the goods, wares and merchandize described and mentioned in the said several documents herein-before stated respectively, or either of them, so far as to give validity to any contract or agreement thereafter to be made or entered into by such person or persons so intrusted and in possession as aforesaid, with any person or persons, body or bodies politic or corporate, for the sale or disposition of the said goods, wares, and merchandize, or any part thereof, or for the deposit or pledge thereof, or any part thereof, as a security for any money or negotiable instrument or instruments advanced or given by such person or persons, body or bodies politic or corporate, upon the faith of such several documents or either of them; provided such person or persons, body or bodies politic or corporate, shall not have notice by such documents or either of them, or otherwise, that such person or persons so intrusted as aforesaid, is or are not the actual and *bonâ fide* owner or owners, proprietor or proprietors of such goods, wares, or merchandize so sold or deposited, or pledged as aforesaid; any law, usage, or custom to the contrary thereof in anywise notwithstanding.

No person to acquire a security upon goods in the hands of an agent for an antecedent debt, beyond the amount of the agent's interest in the goods.

III. Provided always, and be it further enacted, that in case any person or persons, body or bodies politic or corporate, shall, after the passing of this Act, accept and take any such goods, wares, or merchandize in deposit or pledge from any such person or persons so in possession and intrusted as aforesaid, without notice as aforesaid, as a security for any debt or demand due and owing from such person or persons so intrusted and in possession as aforesaid, to such person or persons, body or bodies politic or corporate, before the time of such deposit or pledge, then and in that case, such person or persons, body or bodies politic or corporate, so accepting or taking such goods, wares, or merchandize in deposit or pledge, shall acquire no further or other right, title, or interest in or upon or to the said goods, wares, or merchandize, or any such document as aforesaid, than was possessed, or could or might have been enforced by the said person or persons so possessed and intrusted as aforesaid, at the time of such deposit or pledge, as a security as last aforesaid; but such person or persons, body or bodies politic or corporate, so accepting or taking such goods, wares, or merchandize in deposit or pledge, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such person or persons so possessed and intrusted as aforesaid; any rule of law, usage, or custom to the contrary notwithstanding.

Persons may contract with known agents in the ordinary course of business, or out of that course, if within the agent's authority.

IV. And be it further enacted, that from and after the first day of October, one thousand eight hundred and twenty-six, it shall be lawful to and for any person or persons, body or bodies politic or corporate, to contract with any agent or agents intrusted with any goods, wares, or merchandize, or to whom the same may be consigned, for the purchase of any such goods, wares, and merchandize, and to receive the same of, and pay for the same to such agent or agents; and such contract and payment shall be binding upon and good against the

owner of such goods, wares, and merchandize, notwithstanding such person or persons, body or bodies politic or corporate, shall have notice that the person or persons making and entering into such contract, or on whose behalf such contract is made or entered into, is an agent or agents; provided such contract and payment be made in the usual and ordinary course of business, and that such person or persons, body or bodies politic or corporate, shall not, when such contract is entered into or payment made, have notice that such agent or agents is or are not authorized to sell the said goods, wares, and merchandize, or to receive the said purchase money.

Persons may accept and take goods, &c. in pledge from known agents; but in that case shall acquire no further interest than was possessed by such agent at the time of such pledge.

V. And be it further enacted, that from and after the passing of this Act, it shall be lawful to and for any person or persons, body or bodies politic or corporate, to accept and take any such goods, wares, or merchandize, or any such documents as aforesaid, in deposit or pledge from any such factor or factors, agent or agents, notwithstanding such person or persons, body or bodies politic or corporate, shall have such notice as aforesaid, that the person or persons making such deposit or pledge is or are a factor or factors, agent or agents; but then and in that case such person or persons, body or bodies politic or corporate, shall acquire no further or other right, title, or interest, in or upon, or to the said goods, wares, or merchandize, or any such document as aforesaid, for the delivery thereof, than was possessed or could or might have been enforced by the said factor or factors, agent or agents, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies politic or corporate, shall and may acquire, possess, and enforce such right, title or interest as was possessed and might have been enforced by such factor or factors, agent or agents, at the time of such deposit or pledge as aforesaid; any rule or law, usage or custom to the contrary notwithstanding.

Right of the true owner to follow his goods while in the hands of his agent or of his assignee, in case of bankruptcy, or to recover them from a third person, upon paying his advances secured upon them.

VI. Provided always, and be it enacted, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true owner or owners, or proprietor or proprietors, of such goods, wares, or merchandize, from demanding and recovering the same from his, her, or their factor or factors, agent or agents, before the same shall have been so sold, deposited, or pledged, or from the assignee or assignees of such factor or factors, agent or agents, in the event of his, her, or their bankruptcy; nor to prevent such owner or owners, proprietor or proprietors, from demanding or recovering of and from any person or persons, body or bodies politic or corporate, the price or sum agreed to be paid for the purchase of such goods, wares, or merchandize, subject to any right of set-off on the part of such person or persons, body or bodies politic or corporate, against such factor or factors, agent or agents; nor to prevent such owner or owners, proprietor or proprietors, from demanding or recovering of and from such person or persons, body or bodies politic or corporate, such goods, wares, or merchandize so deposited or pledged, upon repayment of the money, or on restoration of the negotiable instrument or instruments so advanced or given on the security of such goods, wares, or merchandize as aforesaid, by such person or persons, body or bodies politic or corporate, to such factor or factors, agent or agents; and upon payment of such further sum of money, or on restoration of such other negotiable instrument or instruments (if any) as may have been advanced or given by such factor or factors, agent or agents, to such owner or owners, proprietor or proprietors, or on payment of a sum of money equal to the amount of such instrument or instruments; nor to prevent the said owner or owners, proprietor or proprietors, from recovering of and from such person or persons, body or bodies politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such goods, wares, or merchandize, after deducting thereout the amount of the

In case of bankruptcy of factor, the owner of goods so pledged and redeemed shall be held to have discharged *pro tanto* the debt due from him to bankrupt.

money or negotiable instrument or instruments so advanced or given upon the security thereof as aforesaid: provided always, that in case of the bankruptcy of any such factor or agent, the owner or owners, proprietor or proprietors of the goods, wares, and merchandize so pledged and redeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him, her, or them to the estate of such bankrupt.

Agents fraudulently pledging the goods of their principals deemed guilty of a misdemeanor;

VII. And whereas it is expedient to prevent the improper deposit or pledge of goods, wares or merchandize, or the documents relating to such goods, wares, or merchandize, intrusted or consigned as aforesaid to factors or agents; be it therefore enacted, that if any such factor or agent, at any time from and after the said first day of October one thousand eight hundred and twenty-six, shall deposit or pledge any goods, wares, or merchandize, intrusted or consigned as aforesaid to his or her care or management, or any of the said several documents so possessed or instrusted as aforesaid, with any person or persons, body or bodies politic or corporate, as a security for any money or negotiable instrument or instruments borrowed or received by such factor or agent, and shall apply or dispose thereof to his or her own use, in violation of good faith, and with intent to defraud the owner or owners of any such goods, wares, or merchandize, every person so offending, in any part of the United Kingdom, shall be deemed and taken to be guilty of a misdemeanor, and being convicted thereof according to law, shall be sentenced to transportation for any term not exceeding fourteen years, or to receive such other punishment as may by law be inflicted on persons guilty of a misdemeanor, and as the Court before whom such offender may be tried and convicted shall adjudge.

may be transported not exceeding fourteen years, &c.

Not to extend to cases in which the agent has not made the goods a security for any sum beyond the extent of his own lien.

VIII. Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to subject any person or persons to prosecution, for having deposited or pledged any goods, wares, or merchandize so intrusted or consigned to him, her, or them, provided the same shall not be made a security for or subject to the payment of any greater sum or sums of money than at the time of such deposit or pledge was justly due and owing to such person or persons from his, her, or their principal or principals: provided nevertheless, that the acceptance of bills of exchange by such person or persons drawn by or on account of such principal or principals, shall not be considered as constituting any part of such debt so due and owing from such principal or principals within the true intent and meaning of this Act, so as to excuse the consequence of such a deposit or pledge, unless such bills shall be paid when the same shall respectively become due.

Acceptances of bills by an agent not to create a lien so as to excuse the pledge, unless the bills are paid when due.

Act not to extend to partners not being privy to the offence.

IX. Provided also, and be it enacted, that the penalty by this Act annexed to the commission of any offence intended to be guarded against by this Act, shall not extend, or be construed to extend, to any partner or partners or other person or persons of or belonging to any partnership, society, or firm, except only such partner or partners, person or persons, as shall be accessory or privy to the commission of such offence; any thing herein contained to the contrary in anywise notwithstanding.

Act not to lessen any remedy at law or equity which the party aggrieved may be entitled to adopt.

X. Provided also, and be it further enacted, that nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall hinder, prevent, lessen, or impeach any remedy at law or in equity, which any party or parties aggrieved by any offence against this Act might or would have had or have been entitled to against any such offender if this Act had not been made, nor any proceeding, conviction, or judgment had been had or taken thereupon; but nevertheless, the conviction of any offender against this Act

shall not be received in evidence in any action at law, or suit in equity against such offender: and further, that no person shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act, matter, or thing done by him, if he shall at any time previously to his being indicted for such offence have disclosed any such matter or thing, on oath under or in consequence of any compulsory process of any Court of law or equity, in any action, suit, or proceeding, in or to which he shall have been a party, and which shall have been *boná fide* instituted by the party aggrieved by the act, matter, or thing which shall have been committed by such offender aforesaid.

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6 GEORGII IV. Cap. CXXXIII.

An Act *to amend and explain an Act of the Fifty-fifth Year of his late Majesty, for better regulating the Practice of Apothecaries throughout England and Wales.* [*6th July*, 1825.]

Surgeons, &c. in the navy, and surgeons and apothecaries, &c. in the army, may practise without examination.

IV. And whereas many persons who have heretofore held, and now do or who hereafter shall hold commissions in his Majesty's service as surgeons, either in his Majesty's navy, or as surgeons or apothecaries in his Majesty's army, cannot commence practice as apothecaries in any part of England and Wales, without being examined by the Court of Examiners appointed in pursuance of the aforesaid recited Act of the fifty-fifth year of the reign of his late Majesty King George the Third, or being liable to the penalties thereby imposed on persons who, not having been in practice as apothecaries on the first day of August one thousand eight hundred and fifteen, shall commence to act or practise as apothecaries without having been examined, and received certificates of their qualification, pursuant to the said recited Act: and whereas it is expedient to provide a remedy in that behalf; be it therefore enacted, that every person who heretofore has held, or who now holds, or hereafter shall hold a commission or warrant as surgeon or assistant surgeon in his Majesty's navy, or as surgeon or assistant surgeon or apothecary in his Majesty's army, or as surgeon or assistant surgeon in the service of the Honourable the East-India Company, shall be entitled to practise as an apothecary in any part of England or Wales, without having undergone any such examination, or received any such certificate, as by the said recited Act of the fifty-fifth year of the reign of his late Majesty King George the Third is directed, and without being liable to any penalty or disability whatsoever imposed by the said recited Act, on persons who, not having been in practice as apothecaries on the said first day of August one thousand eight hundred and fifteen, without having been examined, and received certificates in the manner directed by the said recited Act, commenced practice as apothecaries in any part of England or Wales; and no such person shall be obliged in order to recover in a Court of law any charges claimed by him as an apothecary, to prove that he was in practice as an apothecary on the said first day of August, one thousand eight hundred and fifteen, otherwise than as holding a commission or warrant as surgeon or assistant-surgeon in his Majesty's navy, or as surgeon or assistant-surgeon or apothecary in his Majesty's army, or as surgeon or assistant-surgeon in the service of the Honourable the East-India Company; anything in the said recited Act contained to the contrary thereof in anywise notwithstanding.

7 GEORGII IV. Cap. XXXVII.

An Act *to regulate the Appointment of Juries in the East-Indies.*

[*5th May*, 1826.]

13 G. 3. c. 63.

Whereas by an Act passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," it is among other things enacted, that all offences and misdemeanors which shall be laid, tried, and inquired of in the Supreme Court of Judicature at Fort William in Bengal, shall be tried by a jury of British subjects resident in the town of Calcutta, and not otherwise: and whereas it is expedient that the right and duty of serving on juries within the limits of the local jurisdiction of the several Supreme Courts at Calcutta, Madras, and Bombay, should be further extended: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all good and sufficient persons resident within the limits of the several towns of Calcutta, Madras, and Bombay, and not being the subjects of any foreign state, shall, according to such rules, and subject to such qualifications as shall be fixed in manner herein-after mentioned, be deemed capable of serving as jurors on grand or petit juries, and upon all other inquests, and shall be liable to be summoned accordingly; any thing in the said Act, or in any other Act, Charter, or usage, to the contrary notwithstanding.

All persons resident in Calcutta, Madras, and Bombay, qualified as after mentioned, to be deemed capable of serving on juries.

Courts may make rules with respect to qualification, &c.

II. And be it further enacted, that the respective Courts of Judicature at Calcutta, Madras, and Bombay, shall have power from time to time to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors, and such other regulations relating thereto, as they may respectively deem expedient and proper: provided always, that copies of all such rules and regulations as shall be so made and established by such Courts of Judicature, shall be certified under the hands and seals of the Judges of such Courts to the President of the Board of Commissioners for the affairs of India, to be laid before his Majesty for his royal approbation, correction, or refusal; and such rules and regulations shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.

which shall be laid before his Majesty.

The third section, which provided that Grand Juries in all cases, and all Juries for the trial of Christians, should consist wholly of persons professing that religion, was repealed by 2 & 3 Wm. 4, cap. 117.

7 GEORGII IV. Cap. LII.

An Act *for defraying the Expense of any additional Naval Force to be employed in the East-Indies.* [26*th May*, 1826.]

Whereas by an Act passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," provision is made for defraying all the charges and expenses of raising and maintaining the forces, as well European as native, military, artillery, and marine, on the establishments in the East-Indies and parts within the limits aforesaid, and of maintaining the forts and garrisons there, and providing warlike and naval stores: and whereas it is expedient that similar provision should be made for payment by the said Company of the expenses of any naval force which now is or at any time hereafter may be sent to the East-Indies or parts aforesaid, for the purpose of being employed in hostilities with any of the native powers: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all the charges and expenses of sending out and employing in the East-Indies and parts aforesaid, the naval force which hath been lately sent out by his Majesty, upon the representation of the Court of Directors of the said United Company, with the approbation of the Commissioners for the affairs of India, and also all the charges and expenses of any naval force which may hereafter be sent out by his Majesty, his heirs or successors, upon the representation of the Court of Directors of the said United Company, and with the approbation of the said Commissioners, for the purpose of being employed in hostilities against any of the native powers in the East-Indies or parts aforesaid, shall be borne by the said United Company as part of their political charges, and the amount thereof shall from time to time, as the same shall be ascertained, be paid into the receipt of the Exchequer, in such manner as the Commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall direct.

53 G. 3, c. 155.

Charges and expenses of naval forces sent out on representation of Directors of East-India Company, to be defrayed by the Company.

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7 GEORGII IV. Cap. LVI.

An Act *to suspend the Provisions of an Act of his late Majesty, respecting the Appointment of Writers in the Service of the East-India Company, and to authorize the Payment of the Allowances of the Civil and Military Officers of the said Company dying while absent from India.* [26*th May*, 1826.]

The first two sections of this Act related to the appointment of writers not having passed through the College, and to making provision for their examination. The operation of the plan was restricted

to three years from the passing of the Act. It was continued by 10 Geo. 4, cap. 16, until the 10th April, 1834, when it was suffered to expire.

Representatives of officers dying, during a temporary absence from their stations, may receive salaries to which such officers would have been entitled.
33 G. 3, c. 52.

III. And whereas by an Act passed in the thirty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay," it was enacted, that if any Governor-general, or any other officer whatever in the service of the said Company, should quit or leave the presidency or settlement to which he should belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office should not be paid or payable during his absence to any agent or other person for his use; and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, his salary and allowances should be deemed to have ceased from the day of his quitting such presidency or settlement; any law or usage to the contrary notwithstanding: and whereas it hath happened that officers, as well civil as military, in the service of the said Company, who have quitted the presidencies or settlements to which they respectively belonged in consequence of ill-health, with the intention of returning to their stations at such presidencies or settlements without proceeding to Europe, have died during such temporary absence within the limits of the said Company's Charter or at the Cape of Good Hope: and whereas it is just and reasonable that the representatives of such officers should be entitled to the salaries and allowances of such officers from the time of quitting their-stations; be it therefore enacted, that it shall and may be lawful to and for the said Company to cause payment to be made to the representatives of officers in their service, civil or military, who having quitted or left their stations, and not having proceeded or intended to proceed to Europe, but intending to return to their stations, have died, or may hereafter happen to die, during their temporary absence within the limits of the said Company's Charter, or at the Cape of Good Hope, of such salaries and allowances, or such portion of salaries or allowances, as the officers so dying would have been entitled to if they had returned to their stations.

Former payments confirmed.

IV. And whereas certain payments have heretofore been made under the circumstances aforesaid, be it further enacted, that all such payments so made shall be deemed and taken to have been legally made; any thing in the said recited Act of Parliament to the contrary notwithstanding: provided always, that nothing herein contained shall extend to authorize the said Company to make any such payment to the representatives of any such officer who shall have quitted or left his station prior to the second day of May one thousand eight hundred and twenty-one.

For the conditions under which payment of salaries and allowances may be made on account of officers below a certain rank while absent from their stations, see 7 Wm. 4 & 1 Vic. cap. 47.

7 & 8 GEORGII IV. Cap. XV.

An Act *for declaring the Law in relation to Bills of Exchange and Promissory Notes becoming payable on Good Friday or Christmas Day.*

[*12th April*, 1827.]

Whereas an Act was passed in the thirty-ninth and fortieth years of the reign of his late Majesty King George the Third, intituled, "An Act for the better Observance of Good Friday in certain Cases therein mentioned;" and it was thereby enacted, that where bills of exchange and promissory notes became due and payable on Good Friday, the same should, from and after the first day of June then next ensuing, be payable on the day before Good Friday, and that the holder or holders of such bills of exchange or promissory notes might note and protest the same for nonpayment on the day preceding Good Friday, in like manner as if the same had fallen due and become payable on the day preceding Good Friday; and that such noting and protest should have the same effect and operation at law as if such bills and promissory notes had fallen due and become payable on the day preceding Good Friday, in the same manner as was usual in the cases of bills of exchange and promissory note coming due on the day before any Lord's Day, commonly called Sunday, and before the feast of the nativity or birth-day of our Lord, commonly called Christmas Day; and whereas, notwithstanding the said recited Act, and notwithstanding the general custom of merchants, doubts have arisen whether notice of the dishonour of bills of exchange and promissory notes falling due on any Good Friday or on any Christmas Day, should not be given on such Good Friday or Christmas Day respectively, and whether in cases where bills of exchange and promissory notes fall due on the day preceding any Good Friday or Christmas Day, notice of the dishonour thereof should not be given on the Good Friday or the Christmas Day next after the same bills of exchange and promissory notes so fall due; and it is expedient that such doubts should be removed: be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and immediately after the tenth day of April one thousand eight hundred and twenty-seven, in all cases where bills of exchange or promissory notes shall be payable, either under or by virtue of the said recited Act, or otherwise, on the day preceding any Good Friday, or on the day preceding any Christmas Day, it shall not be necessary for the holder or holders of such bills of exchange or promissory notes to give notice of the dishonour thereof until the day next after such Good Friday or Christmas Day; and that whenever Christmas Day shall fall on a Monday, it shall not be necessary for the holder or holders of such bills of exchange or promissory notes as shall be payable on the preceding Saturday, to give notice of the dishonour thereof until the Tuesday next after such Christmas Day; and that every such notice given as aforesaid shall be valid and effectual to all intents and purposes.

39 & 40 G. 3, c. 42.

Where bills of exchange, becoming due on the day preceding Good Friday or Christmas Day, are dishonoured, notice thereof may be given on the day after such Good Friday, &c.

II. And whereas similar doubts have existed with respect to bills of exchange and promissory notes falling due upon days appointed by his Majesty's proclamation for solemn fasts or days of thanksgiving, or upon the day next preceding such days respectively, and it is expedient that such doubts should be removed; be it therefore further declared and enacted, that from and after the said tenth day of April one thousand eight hundred and twenty-

Bills of exchange becoming due on fast or thanksgiving days, to be payable on the day next preceding such fast or thanksgiving day.

seven, in all cases where bills of exchange or promissory notes shall become due and payable on any day appointed by his Majesty's proclamation for a day of solemn fast or a day of thanksgiving, the same shall be payable on the day next preceding such day of fast or day of thanksgiving, and in case of nonpayment may be noted and protested on such preceding day; and that as well in such cases, as in the cases of bills of exchange and promissory notes becoming due and payable on the day preceding any such day of fast or day of thanksgiving, it shall not be necessary for the holder or holders of such bills of exchange and promissory notes to give notice of the dishonour thereof until the day next after such day of fast or day of thanksgiving; and that whensoever such day of fast or day of thanksgiving shall be appointed on a Monday, it shall not be necessary for the holder or holders of such bills of exchange or promissory notes as shall be payable on the preceding Saturday, to give notice of the dishonour thereof until the Tuesday next after such day of fast or day of thanksgiving respectively: and that every such notice, so given as aforesaid, shall be valid and effectual to all intents and purposes.

Good Friday, Christmas Day, &c. as regards bills of exchange, to be treated as the Lord's Day.

III. And be it further enacted, that from and after the said tenth day of April one thousand eight hundred and twenty-seven, Good Friday and Christmas Day, and every such day of fast or thanksgiving so appointed by his Majesty, is and shall, for all other purposes whatever, as regards bills of exchange and promissory notes, be treated and considered as the Lord's Day, commonly called Sunday.

Act not to extend to Scotland.

IV. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to that part of the United Kingdom called Scotland.

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9 GEORGII IV. Cap. XXXIII.

An Act *to declare and settle the Law respecting the Liability of the Real Estates of British Subjects and others, situate within the Jurisdiction of his Majesty's Supreme Courts in India, as Assets in the Hands of Executors and Administrators, to the Payment of the Debts of their deceased Owners.*

[27*th June*, 1828.]

Whereas some doubts have arisen whether, and to what extent, the real estates of British subjects and others (not being Mahomedans or Gentoos), situate within or being under the jurisdiction of his Majesty's Supreme Courts of Judicature in India, are liable, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners: and whereas it is expedient that such doubts should be removed; be it therefore and it is hereby declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that whenever any British subject shall die seised of or entitled to any real estate in houses, lands, or hereditaments, situate within or being under the general civil jurisdiction of his Majesty's Supreme Courts of Judicature at Fort William in Bengal, Fort Saint George, and Bombay respectively, or whenever any person (not being a Mahomedan or Gentoo) shall die seised of or entitled to any such real estate, situate within the local limits of the civil jurisdiction of the same Courts respectively,

Whenever any British subjects, or persons not being Mahomedans or Gentoos, shall die, entitled to any real estate in India, such estate shall be deemed assets.

such real estate of such British subject or other person as aforesaid, (not being a Mahomedan or Gentoo,) is and shall be deemed assets, in the hands of his or her executor or administrator, for the payment of his or her debts, whether by specialty or simple contract, in the ordinary course of administration.

II. And it is further declared and enacted, that it is and shall be lawful for such executor or administrator of such British subject or other person as aforesaid, (not being a Mahomedan or Gentoo,) to sell and dispose of such real estate for the payment of such debts as aforesaid, and to convey and assure the same estate to a purchaser, in as full and effectual a manner in law as the testator or intestate of such executor or administrator could or might have done in his life-time.

Executors may sell such real estates for the payment of debts.

III. And it is further declared and enacted, that in any suit or action to be commenced and prosecuted in any of the said Courts respectively, against such executor or administrator as aforesaid, for the recovery of any debt or demand due and owing by such testator or intestate in his life-time and at the time of his death, such executor or administrator shall and may be charged with the full amount in value of such real estate as aforesaid, not exceeding the actual net proceeds of such estate when sold by the sheriff, as assets in the hands of such executor or administrator to be administered.

In any action for debt, the executor may be charged with the full amount of such real estate.

IV. And it is further declared and enacted, that in any such suit or action against such executor or administrator as aforesaid, it is and shall be lawful for the said Courts respectively to award and issue such writs of sequestration and execution against such houses, lands, and real effects of such testator or intestate, in the hands of such executor or administrator as aforesaid, and to cause the same to be seised, sequestered, and sold, or possession thereof delivered under such writs respectively, in the same manner as such Courts could and might have done in the life-time of such testator or intestate as aforesaid.

In suits against executors, Courts may order writs of sequestration.

V. And it is further declared and enacted, that all conveyances and assurances of such real estates of such British subjects and other persons so dying seised or entitled as aforesaid, (not being Mahomedans or Gentoos,) situate within or being under the general or local jurisdiction of such Courts respectively as aforesaid, heretofore made and executed by executors and administrators of such deceased British subjects and other persons as aforesaid, are hereby confirmed, and shall be deemed, held, and taken to be of the same force, validity, and effect in law, as if the same had been made and executed by such deceased persons in their life-time.

Conveyances and assurances of such estates shall be deemed good.

VI. Provided nevertheless, and it is hereby declared and enacted, that neither this Act, nor anything herein contained, shall be construed to operate as or have the effect of changing or altering the legal quality, nature, or tenure of any lands, houses, estates, rights, interests, or any other subject of property whatsoever, or of making the same or any of them to be of the nature of real property, if by law, before the passing of this Act, the same or any of them were personal property; but that the law in that respect shall be and continue the same as if this Act had not passed.

This Act not to alter the legal quality or tenure of any estates.

9 GEORGII IV. Cap. L.

An Act *for regulating the Appropriation of certain unclaimed Shares of Prize-Money acquired by Soldiers or Seamen in the Service of the East-India Company.* [15*th July*, 1828.]

1 & 2 G. 4, c. 61.

Whereas by an Act made and passed in the first and second years of the reign of his present Majesty, intituled, "An Act to regulate the Appropriation of unclaimed Shares of Prize-money belonging to Soldiers or Seamen in the Service of the East-India Company," provisions are made for regulating the appropriation of all such unclaimed prize-money, belonging to soldiers or seamen in the service of the United Company of Merchants of England trading to the East-Indies, as had accrued at the time of the passing of the said Act, and as was then remaining in the hands of any prize agent or agents, or any other person or persons whomsoever: and whereas it is expedient that provision should be made for regulating the appropriation of all sums of money belonging to officers and soldiers employed in the service of the said United Company, and of all sums of money belonging to commanders, officers, and crews of ships hired by or belonging to the said United Company, which, since the passing of the said Act, have come into the hands of any prize agent or agents, or any other person or persons whomsoever, or which, since the passing of the said Act, have severally arisen from or have become distributable, or shall hereafter arise from or become distributable, in respect of any capture made, or other warlike service already performed, and which shall hereafter come to the hands of prize agents and other persons; and that all unclaimed shares of such prize money should be appropriated as herein-after is provided: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all and every shares and share of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen or to arise from or distributable, or hereafter to become distributable, in respect of any capture made, or other warlike service whatsoever already performed, belonging or to belong to officers or soldiers or to any officer or soldier in or having been in the service of the said Company, in whatever service the same may have accrued, which, since the passing of the said recited Act, has come into and is now remaining in the hands or shall hereafter come into the hands of any prize agent or agents, or any other person or persons whomsoever, shall be paid over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct; and all sums of money, when so paid over, shall be applied to the fund established by the Right Honourable Robert late Lord Clive, for the relief of persons and the widows of persons in the military service of the said United Company, commonly called "Lord Clive's Fund," for the purpose and objects of the said fund, according to the rules and regulations for the time being thereof; subject nevertheless to be refunded, without interest, to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the settlement where the same shall have been paid over to the said Company.

Prize-money belonging to soldiers remaining in the hands of agents and others, to be paid over to the East-India Company.

Application of the money so paid over.

II. And be it further enacted, that all and every shares and share of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen or to arise from or dis-

Prize-money belonging to seamen, in the hands of agents and

tributable, or hereafter to become distributable, in respect of any capture made, or other warlike service whatsoever already performed, belonging or to belong to commanders, officers, sailors, or other persons, or to any commander, officer, sailor, or other person, serving or who may have served on board of any ship or vessel in the service of the said Company, whether hired or belonging to the said Company, in whatsoever service the same may have accrued, which, since the passing of the said recited Act, has come into and is now remaining in the hands or shall hereafter come into the hands of any prize agent or agents, or any other person or persons whomsoever, shall be paid over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct; and all sums of money, when so paid over, shall be applied to the hospital fund established for the relief of persons and widows of persons belonging to ships and vessels in the service of the said United Company, commonly called "Poplar Hospital," for the purposes and objects of the said last-mentioned fund, according to the rules and regulations for the time being thereof; subject nevertheless to be refunded, without interest, to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the settlement where the same shall have been paid over to the said Company.

others, to be paid over to the East-India Company.

Application of such money.

III. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to give to the said United Company, or any person or persons on the behalf of the said Company, any right, title, or interest in or to any booty, prize-money, head-money, bounty-money, salvage-money, or to any forfeited or unclaimed share or shares thereof, which now is or are or hereafter shall be due or payable to any officer, soldier, sailor, or other person, on account of services in his Majesty's army, royal artillery, black, provincial, or other troops in the pay of his Majesty, or on board of any of his Majesty's ships or vessels, or in any other service, to the forfeited and unclaimed shares of which the Royal Hospital for Seamen at Greenwich, or the Royal Hospital for Soldiers at Chelsea, the respective treasurers thereof, are entitled or shall become entitled by the laws now in force, nor to give any powers or authorities to the said United Company over such last-mentioned booty, prize-money, head-money, bounty-money, or salvage-money, or in respect thereof.

Nothing herein to give to the Company any right to prize-money of any soldier or sailor on account of services in any of his Majesty's forces or ships.

IV. Provided also, and be it further enacted, that all money now remaining in the hands of any prize agent or agents, or any other person or persons whomsoever, and which is hereby directed to be paid over to the said United Company, and which shall be to be paid over in London, shall be paid within six calendar months next after the passing of this Act; and all such money which shall be to be paid over at any of the settlements abroad of the said United Company, shall be paid within six calendar months next after the governments of the said settlements respectively shall have caused the provisions of this Act in that respect to be notified in the way in which general orders for the army are usually published at the said settlements respectively; and that all money which shall hereafter come into the hands of any prize agent or prize agents, or any other person or persons whomsoever, and which is hereby directed to be paid over to the said United Company, and which shall be to be paid over in London, shall be paid within six calendar months next after the receipt thereof by such prize agent or agents, or other person or persons; and that all such money which shall be to be paid over at any of the settlements abroad of the said United Company, and which shall be in the hands of such prize agent or agents, or other person or persons, at the time

Times within which payments to the Company are to be made.

when the governments at the said settlements respectively shall have caused the provisions of this Act in that respect to be notified in the way in which general orders for the army are usually published at the said settlements respectively, shall be paid over within six calendar months next after such notification: and that all such money, which shall, after such notification, come to the hands of any prize agent or agents, or other person or persons whomsoever, shall be paid within six calendar months next after the receipt thereof by such prize agent or agents, or other person or persons.

Agents and other persons to deliver upon oath accounts of unclaimed shares.

V. And be it further enacted, that all and every person and persons whomsoever, who are required by this Act to pay over any money to the said United Company, shall, and they are hereby required, without further requisition or notice, to deliver or cause to be delivered to the secretary of the said United Company in London, or to the several secretaries of the respective governments at the settlements abroad, where such money shall be to be paid over to the said United Company respectively, a true and correct account of all the monies remaining in his or their hands, and so to be paid over, with a list or lists of the names, rank, regiment, or other sufficient description of the persons entitled thereto, which accounts and lists shall be verified by the affidavit on oath of the party or one of the parties required to deliver the same, such oath to be taken before any magistrate or other person authorized by any Court of law or equity to administer oaths, and which oath such magistrate or other person is hereby required to administer accordingly.

The Court of Directors and Governments abroad empowered to call for general prize accounts on oath.

VI. And be it further enacted, that upon the reasonable request and notice of the Court of Directors of the said United Company, and the governments of the settlements of the said Company abroad respectively, all and every person and persons whomsoever, who are required by this Act to pay over any money to the said United Company, shall make out and deliver, or cause to be made out and delivered, to the secretaries of the said Court of Directors, and of the said governments respectively requiring the same, full, true, and particular accounts in writing of all the receipts, payments, dealings, and transactions of such person and persons: and if they shall be executors, administrators, agents, or representatives, then full true, and particular accounts in writing of their several testators, intestates, and principals, any way relating to any booty, prize-money, or other matter in respect of which such money so to be paid over shall have arisen, with the dates of all and every such receipts, payments, dealings, and transactions, and true and correct lists and descriptions of all grants, deeds, writings, books of account, letters, and papers whatsoever in the custody or power, or which ever shall have been in the custody or power of the persons respectively required to make out and deliver the same, or of their respective testators, intestates, or principals, any way relating to any such booty, prize-money, or other matter; which accounts and lists shall be verified by affidavit on oath, to the best of the knowledge, information, and belief of the person or persons required to make out and deliver the same, such oath to be taken before any magistrate or other person authorized by any Court of Law or Equity to administer oaths, and which oath such magistrate or other person is hereby required to administer accordingly; and all the grants, deeds, writings, books of account, letters, and papers relating to the matters aforesaid, and in the custody or power of the person or persons required to pay over any such money as aforesaid, shall be produced and shown at all reasonable times, at the place or places where such grants, deeds, writings, books of account, letters, and papers shall be usually kept and deposited, or in some other reasonable and convenient manner, to such person and persons as the said Court of Directors, or the said governments respectively, shall direct or authorize to inspect the same; and such person and

persons shall have full liberty to inspect and take, and cause to be taken, such copies, extracts, and abstracts thereof as he or they, or the said Court of Directors, or the said governments respectively, shall see fit: provided always, that this Act, or anything herein contained, or the production, inspection, or examination of the accounts, books, and papers, before mentioned, shall not in any way be deemed or construed to extend to open any account which shall have been conclusively closed and settled by the order, judgment, sentence, or decree of any Court of competent jurisdiction, or in any other manner by which the parties interested therein would have been concluded if this Act had not passed, nor to prevent any Court of competent jurisdiction to order any such account to be opened, or to give liberty for surcharge or falsification thereof, upon just cause and ground shewn for that purpose.

Not to require accounts which have been legally closed.

VII. And be it further enacted, that if any person or persons whosoever shall be convicted of making a false oath touching any of the matters directed or required by this Act to be testified on oath, such person or persons so convicted as aforesaid shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons guilty of perjury are liable by any law in force in that part of the United Kingdom called England: and if any person shall corruptly procure or suborn any other person or persons to swear falsely in any such oath, such person, being duly convicted of such procuring and suborning, shall for every such offence incur and suffer such penalties, forfeitures, pains, and disabilities as persons convicted of perjury are respectively liable unto by any law in force in the said part of the said United Kingdom called England.

Persons taking false oaths guilty of perjury, and persons suborning liable to the penalties of perjury according to the law of England.

VIII. And be it further enacted that the said United Company shall have and be entitled to the same rights, powers, remedies, and methods of suit at law or in equity, or by any Admiralty process, to be commenced and prosecuted in the name of the said United Company, in the several Courts of Justice in the United Kingdom, and in the East-Indies, and elsewhere soever, for discovery and recovery of the monies hereby directed to be paid over to the said Company as the original owners thereof now have, or are entitled to use or exercise; and all Courts of Law and Equity, and of Admiralty jurisdiction in the United Kingdom, and in the East-Indies, shall have and exercise the same jurisdiction, powers and authorities for compelling all and every person and persons to account for and pay over the monies hereby directed to be paid over to the said United Company, as any Court of Law or Equity, or of Admiralty jurisdiction may now lawfully exercise, with respect to any unclaimed balances payable to the treasurers of Greenwich Hospital and Chelsea Hospital respectively, by virtue of any Act or Acts of Parliament, or any law, usage, or custom whatsoever; and that it shall and may be lawful to and for the Court of Directors of the said United Company, and the several governments of the settlements abroad of the said United Company, to exercise the same or the like powers and authorities for the recovery of the monies hereby directed to be paid over to the said United Company, as may now be exercised by virtue of any Act or Acts of Parliament now in force relating to prize-money by the treasurers of Greenwich Hospital and Chelsea Hospital respectively, so far as such powers and authorities extend to the recovery by them, and the discovery of unclaimed shares of prize-money due and belonging to any officers, soldiers, or seamen in the service of his Majesty, and shall be applicable to the objects of this Act, and all and every agent or agents shall be subject to the like penalties for neglect or default in not accounting for or paying over the share or shares, which by the said recited Act or by this Act is or are made payable to the said United Company, as agents are made liable to by any Act or Acts now

Power of recovery of the monies directed to be paid over.

Courts of Justice invested with the same powers as they now have with respect to Greenwich and Chelsea Hospitals.

Court of Directors, &c. to exercise similar authority to what may be exercised by the treasurers of Greenwich and Chelsea Hospitals.

in force, for not accounting for or for not paying over shares and balances to the treasurers of Greenwich and Chelsea Hospitals respectively.

Not to affect the interests of Chelsea or Greenwich Hospitals.

IX. And be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to affect the Royal Hospital for soldiers at Chelsea, nor the Royal Hospital for seamen at Greenwich; nor to take away, repeal, diminish or interfere with any claim, right, or interest which by virtue of any law or laws now in force may have been given, or are now existing, or may hereafter by virtue of the said Acts become vested in the said royal hospitals, or in the treasurers thereof, on any unclaimed and forfeited shares of prize-money, or for the recovery thereof, for the benefit of the said institutions, or for the benefit of the person or persons entitled to any unclaimed and forfeited shares of prize-money; but the same shall continue and remain in the said Commissioners, and in the said treasurers, as if this Act had not been made.

Acquitting persons paying over prize-money.

X. And be it further enacted, that all and every person and persons who shall pay over to the said Company, or to any other person or persons by their order or for their use, any sum or sums of money required to be paid under the provisions of this Act, shall, from and after such payment, be absolutely acquitted and discharged from all claims and demands whatsoever of all and every other person and persons to the same monies which shall be so paid over.

Expenses of carrying this Act into execution to be defrayed out of the monies recovered.

XI. And be it further enacted, that all expenses incurred or to be incurred in executing this Act, and the sums paid in remunerating the officers or persons employed on behalf of the said United Company, for their care, pains, and trouble in performing the regulations and directions thereof, shall, so far as the same relate to those officers or persons, be subject to the discretion of the Court of Directors for managing the affairs of the said Company, and shall be paid out of the principal monies to be recovered and discovered as aforesaid on account of such shares respectively: provided nevertheless, that no person employed by the said United Company in executing the regulations of this Act, shall act as an agent for prizes, or be concerned directly or indirectly in the business thereof, under the penalty of five hundred pounds.

Persons employed by the Company not to act as agents.

Not to prevent persons trying rights to prize-money.

XII. Provided also, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prevent any person or persons from resorting to any remedy at law or in equity against the said Company, for the recovery of principal, without interest, of any money to which he, she, or they may be entitled, and which shall have been paid to the said United Company, or which shall have been carried over by the said Company to the credit of either of the funds herein-before mentioned, under the directions of this Act; provided such person or persons shall have preferred his or their claim thereto to the said Court of Directors, if such money shall have been paid over to the said Company in England, or shall have been carried over from their funds at home, or to the Governor in Council of the presidency where the same shall have been paid or carried over, if paid over to the said Company, or carried over from their funds in India, within six years after the same shall have been so paid or carried over; any thing herein contained to the contrary notwithstanding.

Public Act.

XIII. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

9 GEORGII IV. Cap. LXXII.

An Act *to extend the Provisions of the East-India Mutiny Act to the Bombay Marine.* [19*th July*, 1828.]

The title of this Act sufficiently indicates its object; but the Act of 4 Geo. 4, cap. 81, the provisions of which were thereby extended to the Bombay Marine, was repealed by 3 & 4 Vic., cap. 37, to which last Act the Indian Navy is subjected until special laws and regulations for its good government shall under the powers therein given be made by the Governor-General in Council.

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9 GEORGII IV. Cap. LXXIII.

An Act *to provide for the Relief of Insolvent Debtors in the East-Indies, until the First Day of March One thousand eight hundred and thirty-three.* [19*th July*, 1828.]

[This Act was continued by 2 Wm. 4, cap. 43, till the 1st March, 1836. The law was amended by 4 & 5 Wm. 4, cap. 79, and both the original and amending Act further continued by 6 & 7 Wm. 4, cap. 47, till the 1st March, 1839, and from thence till the end of the then next Session of Parliament. By 3 & 4 Vic., cap. 80, they are further continued till the 1st March, 1845, and from thence to the end of the then next Session of Parliament. See also Acts of the Government of India, No. 4 of 1836, in Appendix.]

Whereas divers good laws have of late years been established within the United Kingdom of Great Britain and Ireland for the relief of insolvent debtors, and it is right that relief be given also to insolvent debtors in some parts of the East-Indies; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of March one thousand eight hundred and twenty-nine, there shall be holden, within the respective limits of the towns of Calcutta, Madras, and Bombay, separate Courts for the Relief of Insolvent Debtors, which shall be Courts of Record

Courts for the Relief of Insolvent Debtors shall be held at Calcutta, Madras, and Bombay.

and shall be styled "The Courts for the Relief of Insolvent Debtors;" and that his Majesty's Supreme Courts of Judicature at Calcutta, Madras, and Bombay respectively, shall from time to time appoint such of their officers, or if the officers of such Supreme Courts shall be found insufficient, such additional persons as may be necessary to transact the business of such Courts, and to act as common assignees, examiners, and ministerial officers of such Courts; and it shall be lawful for the said Courts for the Relief of Insolvent Debtors to administer oaths, and examine parties and witnesses upon oath or solemn affirmation; and the said Courts, within and throughout the British territories under the government of the United Company of Merchants of England trading to the East-Indies, shall have the like powers of issuing commissions to take evidence, and of enforcing the attendance of witnesses, and the production of books, papers, and writings, and of summoning, examining, and enforcing the attendance of any insolvent debtor, or his wife, or any other person who may be able to give information respecting the debts, estates, or effects of any such insolvent debtor, as are now possessed by the said Supreme Court, or as are possessed by Commissioners of bankrupt, in cases of bankruptcy, for the purpose of summoning, examining, and enforcing the attendance of bankrupts and their wives, and other persons, under and by virtue of an Act passed in the sixth year of the reign of his present Majesty, and intituled, "An Act to amend the Laws relating to Bankrupts;" and the said Courts for the Relief of Insolvent Debtors shall also have the power of fining in a summary way, or of committing to the common gaol, all persons guilty of contempt of Court, and of fining in a summary way and of removing any of their officers who shall be guilty of negligence or misconduct; but the said Courts for the Relief of Insolvent Debtors shall not have the power of awarding costs against any person, except in cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by some rule which shall be made by the said Supreme Courts respectively, for the purposes and in the manner herein-after stated: provided always, that the said Courts for the Relief of Insolvent Debtors shall not summon or examine any native of the East-Indies, otherwise than by commission, in any case in which such summoning or examination shall appear to the said Court to be repugnant to the customs and usages of the country.

Powers of the said Courts.

6 G. 4, c. 16.

Practice of the Court.

II. And be it further enacted, that a Court for the Relief of Insolvent Debtors shall be holden once a month at least throughout the year, and oftener, if need be, in Calcutta, and as often as may be found necessary within the towns of Madras and Bombay, by any one Judge of the said Supreme Courts of Judicature respectively; and it shall be lawful for the said Courts for the Relief of Insolvent Debtors to adjourn from time to time as they may think fit, and for the said Courts and the said Supreme Courts respectively, to be sitting at one and the same time, and severally to act and proceed in the exercise of their respective powers; and every advocate or attorney of the said Supreme Courts at Calcutta, Madras, and Bombay respectively, shall be admitted to practise in the way of his profession in the said Courts for the Relief of Insolvent Debtors respectively, and no other person shall practise as advocates or attornies in the said Courts for the Relief of Insolvent Debtors; and the said Supreme Courts of Judicature respectively shall have power from time to time to establish rules to regulate the proceedings of the Courts for the Relief of Insolvent Debtors to be holden within their respective jurisdictions, and especially to prescribe in what manner notice shall be given to the creditors of parties applying for relief under this Act, and in what cases, besides those mentioned in this Act, costs may be awarded; and shall prepare, and cause to be sealed with their respective seals, a sufficient and proper list of fees to be charged and received by the officers of the Courts for the Relief of Insolvent Debtors, and shall certify under their respective seals, and transmit to the President of the Board of Commissioners for

the affairs of India, copies of such rules and list of fees, to be laid before his Majesty for his royal approbation, correction, or revision, and other copies of the same shall at all times be fixed in conspicuous places in the Courts for the Relief of Insolvent Debtors; and no other fee or gratuity shall be received or taken by any officer or attorney of such last-mentioned Courts on any pretence whatsoever, except such as shall be specified in such lists.

III. And be it further enacted, that any person who shall be interested in any petition for relief which shall be presented by any insolvent person to any of the said Courts for the Relief of Insolvent Debtors, or in any petition which shall be presented against any trader to any of the said Courts, praying an adjudication of insolvency as herein-after mentioned, or in any proceeding of any of the said Courts respecting any such petition, upon depositing with the proper officer of the Court a sum of money of which the amount shall be fixed by the Court, may require that the whole of the evidence relating to any proceeding in which he has an interest may be taken down in writing by a sworn officer of the Court, and the same shall be done accordingly; and in case the party who shall have so required such evidence to be taken down in writing shall not within one calendar month thereafter present his or her petition of appeal as is herein-after directed, it shall be lawful for the Court in which such evidence shall have been so taken down in writing as aforesaid to pay the reasonable costs and expenses thereof out of the money which shall have been so deposited as aforesaid, returning the overplus, if any, to the person who shall have deposited the same.

Parties interested may require evidence to be taken down in writing.

IV. And be it further enacted, that it shall be lawful for any person who shall think himself aggrieved by any adjudication, order, or proceeding of any such Court for the Relief of Insolvent Debtors, to present, within one calendar month thereafter, a petition to the Supreme Court of Judicature of the presidency where such Court for the Relief of Insolvent Debtors shall be holden, or if such Supreme Court of Judicature shall not be sitting, then to present such petition to one of the Judges thereof; and it shall be lawful for the Court or Judge to which or to whom any such petition shall be presented to order that the whole of the evidence, if any, which shall have been so taken down in writing as aforesaid, and the minutes and records of the proceedings of which complaint shall have been made, shall be brought before it; and the said last-mentioned Court shall inquire into the matter of the petition and of such proceedings and evidence, and shall make such order thereon as to the same Court shall seem meet and just, and shall thereby direct by whom and in what manner the costs of such petition, and of the proceedings which shall have been had thereon, and of the taking down of any such evidence in writing, and of the proceedings of which complaint shall have been made, shall be paid; and such order shall be final and conclusive as to all parties, and shall be compulsory and binding upon the Court in which such proceedings so complained of shall have been had.

Parties aggrieved may petition the Supreme Court, &c.

V. And be it further enacted, that after the time herein-before appointed for this Act to take effect, any person who shall be in prison within the respective limits of the towns of Calcutta, Madras, and Bombay, for debt, damage, costs, or money which such person is solely, or jointly with any other or others, liable to pay, or for contempt of any Court whatsoever, by the non-payment of money only, may, at any time within fourteen days next after the commencement of the actual custody of such debtor, or afterwards, if the Court shall in any case think it reasonable and proper to permit the same, apply by petition to the Court for the Relief of Insolvent Debtors within the presidency where such insolvent debtor shall then be; and in such petition there shall be stated the place wherein the prisoner shall

Persons imprisoned for debts may petition the Court for the relief of insolvents.

be then confined, the time when he or she shall have been first charged in custody, and the parties by whom, and the reasons and the amount for which, he or she shall at the time of presenting such petition be detained; and the said petition shall be subscribed by the prisoner with his name or mark, and shall forthwith be filed in the Court to which it shall be presented; and if any persons so imprisoned as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by petition, in such manner as is herein-before mentioned.

Insolvent persons who can deliver up property to the amount of half their debts, and of a certain value, may petition without being in prison.

VI. And be it further enacted, that if any person or persons being so indebted as aforesaid, and who shall reside within the jurisdiction of either of the said Supreme Courts at Calcutta, Madras, or Bombay, shall find that he, she, or they is or are in insolvent circumstances, but that he, she, or they has or have some estate and effects of the amount of half his, her, or their debts, of which instant possession might be given to an assignee, it shall be lawful for such person or persons, without being in prison, to apply, jointly or severally, as the case may be, by petition to the Court for the Relief of Insolvent Debtors to be holden at those places respectively, and the petition or petitions shall be subscribed by the insolvent or insolvents with his, her, or their name or names, and shall be forthwith filed in the said Court.

Those who petition jointly may be required to file sole petitions also.

VII. And be it further enacted, that when any such joint petition as is afore-mentioned shall be presented to any Court for the Relief of Insolvent Debtors, it shall be lawful for the Court, if it shall see fit, to require and compel each of the insolvents to file a sole petition also, in order that upon one petition, and by the proceedings to be thereon taken, the Court may dispose of the estates and effects belonging to all the insolvents jointly, and that upon the other petitions, and the proceedings to be thereon taken, it may dispose of the estates and effects belonging to each insolvent separately; and if there shall be any residue of the joint estate and effects after payment of the joint debts, such residue shall be duly divided and paid over to the several assignees, who shall have been appointed upon the sole petitions of those to whom such joint estate and effects shall have belonged, and in like manner if there shall be any residue of the separate estate and effects of any of the insolvents after the payment of his or her separate debts, it shall be paid over to the assignee or assignees who shall have been appointed upon the joint petition.

Fines, penalties, forfeitures and recognizances shall not be deemed debts for the purposes of this Act.

VIII. Provided always, and be it further enacted, that no debt due to our Sovereign Lord the King, nor any fine, penalty, or forfeiture whatsoever, nor any recognizance whereby a debt is acknowledged to the King, nor any debt due on account of any fine, penalty, or forfeiture, nor any estreat, shall be deemed or taken to be such a debt or debts as to entitle any person or persons to petition as is before-mentioned, nor shall any person be entitled to receive any dividend for the same under this Act, nor shall any such fines, penalties, forfeitures, recognizances, debts, or estreats be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

At the time of presenting petitions assignments shall be made to persons appointed by the Court.

IX. And be it further enacted, that the person or persons who shall present any such petition as is herein-before mentioned shall, at the time of presenting the same, execute an assignment to the common assignee in such manner and form as the Court shall direct, of all his, her, or their real and personal estate and effects, rights, dues, claims, choses in action, and interests, which he, she, or they shall then have or be entitled to, or which may in any way come

to or be acquired by them before the Court shall have made its final order in the matter of his, her, or their petition.

X. And be it enacted, that if any person who by an Act passed in the sixth year of the reign of his present Majesty, intituled, "An Act to amend the Laws relating to Bankrupts," or by any Act hereafter to be passed, shall be deemed a trader liable to become bankrupt, having been arrested or committed to prison for debt, or on any attachment for nonpayment of money, shall, upon such or any other arrest or commitment for debt, be in prison for twenty-one days, or having been arrested or committed to prison for any other cause, shall lie in prison for twenty-one days after any detainer for debt lodged against him and not discharged: or if any such person shall depart from within the limits of the jurisdiction of any of the said Supreme Courts with intent to defeat or delay his or her creditors; it shall be lawful for any creditor to whom such person shall be indebted to the amount of one thousand sicca rupees, or for any two creditors to whom such person shall be indebted to the amount of one thousand five hundred sicca rupees, or for any three or more creditors to whom such person shall be indebted to the amount of two thousand sicca rupees, to present a petition to the Insolvent Debtors' Court of the Presidency within which such person shall have been imprisoned, or have resided previously to such departure as aforesaid, stating the amount of the debt or debts due to such creditor or creditors from such person, and the nature of his trading, and such act of lying in prison or departure as aforesaid, and praying that such Court would proceed in like manner as if such person had petitioned such Court for relief under this Act; whereupon such Court shall inquire into the truth of such petition, and if such Court shall be satisfied thereof, such Court shall adjudge the same to be true, and that such person has committed an act of insolvency.

Lying in prison twenty-one days for debt, or departing the jurisdiction with intent to defeat or delay any creditor, shall be deemed an act of insolvency on which creditor may petition.

XI. And be it enacted, that upon such adjudication being made, such Court shall be invested with the same powers and authorities with which such Court would have been invested or might have exercised in case such insolvent had presented a petition for relief under this Act, and all the real and personal estate and effects, rights, dues, claims, choses in action, and interests, which such insolvent shall then have or be entitled to, or which may in any way come to or be acquired by such insolvent before the Court shall have made its final order in the matter of such petition, shall, by force of such adjudication, be vested in the common assignee of the said Court in like manner to all intents and purposes as if such insolvent had assigned the same under the directions of the said Court: provided always, that in all cases where any adjudication of an act of insolvency shall have been pronounced by any Court for the Relief of Insolvent Debtors, it shall be lawful for such Court, upon the petition of any person so adjudged to have committed an act of insolvency, complaining of such adjudication, and upon proof of notice to the creditor or creditors upon whose petition such adjudication shall have been pronounced, to appoint an early day for hearing such petition of complaint, and on such day, or on any future day to which such hearing may be adjourned, to hear such creditor or creditors and such complainant, by themselves or their counsel respectively, and to examine the evidence to be adduced by them respectively, and thereupon to revoke or confirm such adjudication.

Upon such adjudication the Court to be invested with the same powers as if insolvent had petitioned.

XII. And be it enacted, that the filing of every petition by an insolvent debtor in any of the said Courts for relief under this Act, whether such insolvent shall be in custody or not, and every such adjudication of an act of insolvency, shall be accounted and adjudged conclusive evidence of an act of bankruptcy committed by such insolvent, from the time of filing

The filing a petition of an insolvent to be accounted an act of bankruptcy.

such petition or of such adjudication respectively, if such insolvent shall be a person subject to the laws then in force respecting bankrupts; and any creditor or creditors of such insolvent, whose debt or debts shall be of sufficient amount to entitle him or them by law to petition for a commission of bankrupt, shall at any time within two months after the notice of such petition or adjudication shall have been given in the *London Gazette*, as herein-after directed, be at liberty to sue out a commission of bankrupt, in that part of the United Kingdom called England, against such insolvent, under which commission all such proceedings may be had and taken as are authorized and directed, or shall be authorized and directed, by the provisions of an Act passed in the sixth year of the reign of his present Majesty, intituled, "An Act to amend the Laws relating to Bankrupts," or by any other Act or Acts hereafter to be passed respecting bankrupts, except as herein-after provided.

Commission may issue on certificate of proof of debt by an Indian creditor.

XIII. And be it further enacted, that when any creditor or creditors resident within the limits of the Charter of the said United Company shall be desirous of suing out any such commission of bankrupt against any such insolvent, it shall be lawful for such person or persons to make proof of his, her, or their debt or debts before such Courts for the Relief of Insolvent Debtors, which proof, if satisfactory to such Court, shall be certified under the seal of such Court; and the certificate thereof, on proof being made that the same is sealed with the seal of such Court, shall be sufficient evidence of a petitioning creditor's debt to warrant the issuing of such commission, and also to authorize the Commissioners under such commission to proceed thereon.

Assignees protected for acts done prior to the commission of bankruptcy.

XIV. Provided always, and be it further enacted, that in case of the issuing of any such commission of bankrupt against any such insolvent, such commission shall not in any manner affect, invalidate, or make void any of the proceedings of any Court for Relief of Insolvent Debtors, nor any of the acts or proceedings of any assignee or assignees appointed by such Court, respecting any property or interest whatsoever of such insolvent, real or personal, within the limits of the Charter of the said United Company, nor shall the assignee or assignees appointed under any such commission acquire any right or title to take possession of, demand, sue for, or recover any property or interest whatsoever, real or personal, of such insolvent, within the limits aforesaid; but the assignee or assignees appointed by such Court for the Relief of Insolvent Debtors shall continue, and shall, notwithstanding such commission of bankrupt, have full power and control over all the real and personal property of such insolvent within the limits aforesaid, and the distribution and management thereof, as effectually as if such commission of bankrupt had not issued; nevertheless it shall be the duty of any assignee or assignees appointed by such Court, and the assignee or assignees chosen under the said commission, equally to come to account with each other, so as in the end that a dividend shall be rateably and proportionably made among all the creditors of the said insolvent, whether resident within the limits aforesaid or in the United Kingdom of Great Britain and Ireland.

Creditors whose debts have been allowed in Court to receive equal dividend with creditors under any commission of bankrupt.

XV. And be it further enacted, that all the creditors of any such insolvent whose debts shall have been allowed in any Court for the Relief of Insolvent Debtors shall be admitted as creditors under any such commission of bankrupt, for the purpose of receiving an equal dividend upon the estate of such bankrupt with the creditors who shall have proved their debts under such commission; and in like manner all creditors whose debts shall have been duly proved under any such commission of bankrupt shall be admitted as creditors in such Court for the Relief of Insolvent Debtors, for the purpose of receiving an equal dividend upon the

estate of such insolvent with the creditors whose debts shall have been allowed in such Court.

XVI. Provided always, and be it enacted, that when any such insolvent shall be declared bankrupt upon the sole ground of his having filed such petition for relief in the said Court for Relief of Insolvent Debtors, or of such adjudication of an act of insolvency as aforesaid, he shall not be required to surrender or be liable to any penalty for not surrendering himself to be examined under his commission, until forty-two days after he shall have come into some part of the United Kingdom of Great Britain and Ireland.

As to surrender of persons declared bankrupt upon filing petition to the Court only.

XVII. And be it enacted, that it shall be lawful for any creditors of such insolvent, who shall have duly proved their debts under any such commission as aforesaid, and for the Commissioners under such commission, if they shall be satisfied with such examination of such insolvent as shall have been had in any Court for the Relief of Insolvent Debtors, to sign the certificate of such bankrupt: and such certificate shall have the same force and effect in all places situate without the limits aforesaid, and in respect of all debts due to persons resident at any such places without the limits aforesaid, at the date of such certificate, as if the same had been duly signed in the usual way, after such bankrupt had duly surrendered and passed his last examination.

Creditors and Commissioners may sign certificate of bankrupt, &c.

XVIII. Provided always, and be it further enacted, that no creditor of such insolvent who shall be resident within the limits aforesaid, excepting only the petitioning creditor or creditors, in case he, she, or they shall be so resident, shall be entitled to vote in the choice of the assignee or assignees to be appointed under any such commission of bankrupt or otherwise, respecting the matters to be transacted under such commission of bankrupt, nor shall be reckoned among the creditors of the bankrupt in number or value whose signature is required by law to the certificate of such bankrupt.

No Indian creditor to vote in the choice of assignees, except the petitioning creditor, if resident.

XIX. Provided also, and be it enacted, that in all cases where any one member of a partnership to which any such insolvent shall be indebted shall be resident within the limits aforesaid, such partnership shall be accounted and taken as a creditor resident in the East-Indies, for the purposes of this Act.

Partnership creditors.

XX. And be it further enacted, that the principal officer of the respective Courts for Relief of Insolvent Debtors shall cause notices to be inserted in the *Gazettes* of the respective presidencies within which such Courts shall be holden, of every petition which shall be filed in any of the said Courts by any insolvent for relief under this Act, and of every such adjudication of an act of insolvency, and for every confirmation or revocation thereof, forthwith after the filing of such petition or pronouncing such adjudication, or such confirmation or revocation thereof respectively; and that the chief secretary of the Government of the said presidencies respectively shall, without delay, transmit to the Court of Directors of the said United Company, by different ships, two or more copies at least of every such *Gazette* which shall contain any such notice as aforesaid, who shall, without delay, after the receipt thereof, cause such notice to be inserted in the *London Gazette*.

Notices to be inserted in the *Gazettes* of the presidencies and in the *London Gazette*.

XXI. And be it enacted, that the production of the *London Gazette* containing any such notice as aforesaid shall be deemed and taken by all Commissioners of Bankrupt, and all Courts whatsoever, to be sufficient evidence of the filing of the petition of such insolvent in such Court for Relief of Insolvent Debtors, and of such adjudication of an act of insolvency, and of such confirmation or revocation thereof.

Production of the *London Gazette* containing such notice to be sufficient evidence.

When no commission of bankruptcy shall issue, the assignees appointed by the Court may administer the estate.

XXII. Provided always, and be it further enacted, that in all cases where an insolvent petitioning any such Court for relief shall be possessed of any real or personal estate in the United Kingdom of Great Britain and Ireland, and no commission of bankrupt shall be sued out as herein-before mentioned, it shall be lawful for the assignee or assignees of the said insolvent, appointed by any such Court, to proceed, either by himself or themselves, or by any person duly authorized for that purpose by power of attorney, to get possession o such real and personal estate, and to dispose of the same in the most beneficial manner, and to administer the proceeds thereof among the creditors of the said insolvent under the provisions of this Act.

The Court may order part of the insolvent's effects to be left in his possession.

XXIII. And be it enacted, that after the making of any such assignment as is herein-before directed, or after any such adjudication of insolvency as aforesaid, it shall be lawful for any such Court to direct that so much of the wearing apparel, household furniture, working tools, and other necessaries of the insolvent or insolvents, and of his, her, and their family or families, as shall be fitting and suitable to his, her, or their condition and circumstances, may be left in his, her, or their possession until the further order of the Court, not exceeding in value in the whole the sum of one thousand sicca rupees: provided always, that when any person or persons shall have executed any such assignment without being in custody, he, she, or they shall be required forthwith to put the assignee or assignees into possession of his, her, or their estate and effects of the amount of half their debts; and the assignee or assignees who shall be so put into possession shall, according to the best of his or their knowledge and belief, forthwith certify the same to the Court by which he or they shall have been appointed; and until such assignee or assignees shall have so certified, no such order as is herein-before mentioned, for leaving part of the effects of such insolvent or insolvents in his, her, or their possession, shall be made, nor any other step taken towards granting the prayer of the petition of the insolvent or insolvents, or any part thereof.

After assignment made, insolvent to put assignees into the possession of the estate, and assignees to certify the same.

The Court may, upon such certificate, give the insolvent a protection from arrest.

XXIV. And be it enacted, that when any assignee or assignees shall have so certified as is last herein-before mentioned, it shall be lawful for the said Courts for Relief of Insolvent Debtors at Calcutta, Madras, and Bombay respectively, to grant and deliver, to the person or persons by whom such estate or effects shall have been given up, a certificate or certificates of his, her, or their having delivered to his, her, or their assignee or assignees property which is believed to be of the amount of half their debts; and every such last-mentioned certificate shall, until the said Courts respectively shall make order to the contrary, have the effect of protecting the person to whom it shall be so given from being arrested for debt within the limits of the towns of Calcutta, Madras, and Bombay respectively, or any other place within the limits of the Charter of the said United Company to which such person shall resort with leave of the said Courts respectively, signified in writing; and if any such person shall, contrary to the aforesaid provisions, be arrested for debt, and the officer who shall have arrested him or her shall, after having seen such last-mentioned certificate and leave, refuse to discharge such person, he shall forfeit to the same person fifty sicca rupees for every day he shall detain him or her, which sum or sums may be recovered by action of debt in any of his Majesty's Courts of Record within the jurisdiction of which the arrest shall have been made, and such action shall be brought in the name of the person so detained, who, if he shall recover in such action, shall also have full costs of suit.

Upon assignment being made and possession certified, the

XXV. And be it enacted, that when any person or persons being in custody shall have executed any such assignment as is herein-before mentioned, if he, she, or they shall in like

manner put the assignee or assignees to whom the assignment shall have been made into possession of his, her, or their estate or effects of the amount of half their debts, and the assignee or assignees of such prisoner or prisoners shall have certified the same to the Court for Relief of Insolvent Debtors, in such manner as herein-before is mentioned, and the Court shall be satisfied of the truth thereof, it shall be lawful for such Court to discharge such person or persons from custody, and to grant and deliver to him, her, or them the like certificate and leave, which shall have the like consequences and effects in protecting him, her, or them from being arrested for debt: provided always, that it shall at all times be lawful for such Court to revoke and annul such certificate or leave, if it shall appear to such Court that such certificate or leave hath been unfairly obtained or improperly used.

Court may discharge debtors from prison.

Proviso.

XXVI. And be it enacted, that every such assignment as is herein-before mentioned shall have the effect of conveying or transferring to and of vesting in the assignee or assignees, who shall have been appointed by the Court and named in the assignment, the whole estate and effects, real and personal, and all rights, duties, claims, choses in action, interests, and property whatsoever, which at the time of executing the assignment shall belong to the insolvent or insolvents, either solely or jointly with any other person or persons, or which shall come to or be required by him, her, or them, or to which he shall be or become entitled in reversion, remainder, or expectancy, before the Court shall have made an order for the discharge of such insolvent or insolvents from all liability as herein-after mentioned, and the effect also of entitling and empowering the assignee or assignees to give such discharges for debts due to such last-mentioned person or persons as may be requisite; and every such assignment as is herein-before mentioned shall be in trust for the benefit, in proportion to their respective dues and just claims, of all the creditors of the person or persons executing the assignment.

General effect of the assignment.

XXVII. And be it further enacted, that if any insolvent at the time of making any such assignment as is herein-before mentioned shall hold any public office, appointment, or benefice, civil, military, or ecclesiastical, under the Crown of the United Kingdom of Great Britain and Ireland, or under the said United Company, and if his interest in such office or appointment shall be such that he might lawfully sell the same, such interest for the purpose of sale shall, by the assignment, be transferred to and vested in the assignee or assignees in trust for the benefit of his creditors, and if his interest therein shall not be such as he might lawfully sell, then it shall be lawful for the said Court to order the said insolvent to pay such proportion of his receipts therefrom to his assignee or assignees as the said Court shall think just and right.

Offices, appointments, and benefices, if saleable, shall pass to the assignees, and if not, the Court may order a proportion thereof.

XXVIII. And be it enacted, that if any insolvent who shall file his or her petition for his or her discharge under this Act, or if any trader who shall be adjudged to have committed an act of insolvency on the petition of any such creditor or creditors as aforesaid being in insolvent circumstances, shall voluntarily convey, assign, transfer, charge, deliver, or make over any estate, real or personal, security for money, bond, bill, note, money, property, goods, or effects whatsoever, to any creditor or other person whomsoever, or to any person in trust for or to or for the use, benefit, or advantage of any creditor or other person whomsoever, every such conveyance, assignment, transfer, charge, delivery, and making over, if made within two months before the date of such petition, or with the view or intention, by the party so conveying, assigning, transferring, charging, delivering, or making over, of petitioning the said Court for his or her discharge from custody under this Act, or of committing such act of insolvency, shall be deemed and is hereby declared to be fraudulent and

Voluntary preference fraudulent, and void as against assignee.

void as against the common or other assignee or assignees of such prisoner appointed under this Act.

No distress for rent shall be made after the assignment.

XXIX. And be it enacted, that after any such assignment shall be made by any petitioner or petitioners, as herein-before mentioned, or after any such an adjudication of an act of insolvency as aforesaid, no distress for rent due before the filing of such petition or adjudication shall be made upon the goods or effects of any such insolvent or insolvents before the final order of the Court shall have been made in the matter of the petition before the Court, but the landlord or party to whom the rent shall be due shall be allowed to come in as a creditor, and receive any dividend or dividends in proportion to the amount of any rent due, in like manner as other creditors in proportion to the amounts of their respective dues.

The Court may remove the assignees and appoint others.

XXX. And be it further enacted, that after any such assignment or conveyance as by the provisions of this Act are required to be made to the common assignee of the Court for Relief of Insolvent Debtors, or after any such adjudication as aforesaid, it shall be lawful for the said Courts respectively, at any time in their discretion, to appoint some other assignee or assignees, and when such new assignee or assignees shall have signified to the Court his, or their acceptance of the appointment, the estate, effects, rights, dues, claims, choses in action, interests, trusts, and powers, which shall have been assigned or conveyed, transferred to, or vested in such common assignee, shall immediately be assigned and conveyed by him to such new assignee or assignees as aforesaid, upon the same trusts, and for the same purposes as they are before assigned and conveyed; and in case any assignee or assignees shall be unwilling to act, or in case of the death or incapacity, or misconduct of any assignee or assignees it shall be lawful for the Court by which he or they shall have been appointed, to order that any assignment or conveyance to him or them shall be vacated, and the same shall be vacated accordingly, but so nevertheless that no act or thing done prior to the order whereby they are vacated shall be annulled or in any way affected thereby; and it shall also be lawful for the Court to appoint a new assignee or assignees, with like powers and authorities, and to oblige any assignee or assignees so removed, and the heirs, executors, administrators, and assigns of any deceased assignee, to account for and deliver up all such estate and effects, books, papers, writings, deeds, and all other evidences relating thereto, as shall have come to his, her, or their hands by virtue of any assignment or conveyance made under this Act, and the decision of the Court thereupon shall be final and conclusive; and from and immediately after any such appointment as is aforesaid of any new assignee, all the estate, effects, rights, dues, claims, choses in action, interest, trusts and powers assigned or conveyed to or vested in the assignee or assignees, in the room of whom such new assignee or assignees as aforesaid shall have been appointed, shall by virtue of such appointment be transferred to and become vested in such new assignee or assignees: and whenever an assignee shall die or be removed, or a new assignee or assignees shall be appointed as aforesaid, no action at law or suit in equity brought or defended by him or them in the character of assignee or assignees under this Act shall be thereby abated, but upon the suggestion of such death, removal, or new appointment, such action or suit shall be prosecuted or defended in the name of the existing assignee or assignees; and all such assignments, conveyances, and appointments, as it is herein-before mentioned are to be made under the directions of the Courts for the Relief of Insolvent Debtors shall be entered on the proceedings of the Court by the order of which they shall be made.

Suits shall not abate by the death or removal of assignees.

Petitioners shall deliver schedules of their property.

XXXI. And be it enacted, that when any such petition as is aforesaid shall be presented by any insolvent or insolvents to the said Court for the Relief of Insolvent Debtors, the party

or parties presenting the petition, at the same time or within thirty days after, or within such further time as the said Court may deem reasonable, shall deliver into the Court a schedule containing a full and true account of all his, her, or their debts, whether due by him, her, or them solely, or jointly with any other person or persons, and of all claims made upon the insolvent or insolvents for any such debts not admitted to be due, together with a full and true description of the several persons to whom such debts shall be owing, or by whom such claims shall have been made, and also a true and perfect account of all the estates and effects, real and personal, of the insolvent or insolvents, in possession, reversion, remainder, or expectancy, wheresoever situate, and of all his, her, or their rights, dues, claims, choses in action, and interests, and of all trusts and powers which can in any way be available for the benefit of his, her, or their creditors; and such schedule shall also contain a full and true statement of the names and places of abode of the person or persons from whom any debt or debts shall be owing to the petitioner or petitioners, himself or themselves, or to him, her, or them jointly with any other person or persons, or against whom any claim or action may be brought, maintained, and enforced, and of the witnesses who may be able to prove such debts or support such claim or action, together with any other particulars which may be required by any rules to be established for the practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving further effect to this Act in the manner which is herein-before set forth; and every such schedule so delivered as aforesaid shall be subscribed by the insolvent or insolvents delivering the same, with his, her, or their names, and shall forthwith be filed in the Court.

Insolvent may file schedule after adjudication.

XXXII. Provided always, and be it further enacted, that after any such adjudication of an act of insolvency as aforesaid, it shall be lawful for any insolvent to file a schedule in the Court by which such adjudication shall have been pronounced, in like manner as if such insolvent had presented a petition for relief under this Act, which schedule shall have the like effect and be acted upon in the like manner, and from which schedule such insolvent shall be entitled to the like benefit, as if the same had been filed in consequence of a petition for relief presented by such insolvent under this Act.

After the petition and schedule are filed, the Court shall give notice to the detaining creditor, and appoint a day for hearing the same.

XXXIII. And be it enacted, that after the petition and schedule of any insolvent shall have been filed in any Court for the Relief of Insolvent Debtors, and assignment shall have been made, as herein-before directed, and after any such adjudication of an act of insolvency shall have been pronounced upon the petition of any creditor or creditors of such insolvent as aforesaid, the Court shall cause notice thereof to be given to any creditor or creditors of the insolvent at whose suit he or she may be detained in custody, or the attorney or agent of such creditor or creditors, and to the other creditors resident within the British territories in the East-Indies, as the Court shall direct; and notice to the like effect shall be twice at least published in the *Gazette* of the presidency where such Court shall be holden; and the Court in such notice shall appoint a day and place for the hearing of the matters of the petition of such insolvent, or of any such creditor or creditors of such insolvent as aforesaid, after such convenient interval of time that all the creditors resident within the British terrt ories in the East-Indies may have sufficient opportunity of examining and ascertaining the truth or falsehood of the insolvent's petition and schedule.

Hearing of petitions.

XXXIV. And be it further enacted, that upon the day so appointed by the Court as aforesaid for the hearing of any petition, or on any future day to which such hearing may be adjourned, it shall be lawful for the insolvent or insolvents, and for any creditor or creditors

of the insolvent or insolvents, to be heard, either by himself, herself, or themselves, or by counsel, in support of or in opposition to the petition before the Court, and the whole matter and substance of the petition shall be inquired into and examined by the Court, as well respecting the claims of any creditors who shall be absent, as of those who shall be present; and it shall be lawful for the Court to order any insolvent who is in custody to be brought before it as often as occasion may require, and to summon any insolvent who shall not be in custody, and the wife of any insolvent, and any other person, whether a creditor or not, who is known or suspected to have any of the estate or effects of the insolvent or insolvents in his or her possession, or any person who is suspected to be indebted to the insolvent or insolvents, or any person who is believed to be capable of giving any information which will more easily enable the Court to dispose of the estate and effects of the insolvent or insolvents for the benefit of his, her, or their creditors; and it shall be lawful for the Court to examine any insolvent or his wife, or any other such person, whether a creditor or not, who shall appear before the said Court, in the same way as any other witnesses are examined in any of his Majesty's Courts of Record in the East-Indies in any suits at law or in equity, or according to any rules which may be made for the practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving effect to this Act in the manner which is herein prescribed: provided always, that every witness summoned to attend before the Court shall have his necessary expenses tendered to him, in like manner as by law is required upon service of a subpœna to a witness in an action at law.

Expenses of witnesses

Where creditor is incapable of attending, the Court may receive his affidavit.

XXXV. Provided also, and be it enacted, that in all cases where any creditor or other person shall reside more than one hundred miles from the said Court, or shall be incapable of attending the said Court by reason of sickness or infirmity, to be proved to the satisfaction of the Court, it shall be lawful for the Court to receive the affidavit or solemn affirmation of such creditor or other person, and also, if the Court shall think fit, to permit interrogatories to be filed for the examination and cross-examination of any person making or joining in such affidavit or solemn affirmation.

Mutual debts.

6 G. 4, c. 16.

XXXVI. And be it further enacted, that when there has been mutual credit given by the insolvent or insolvents and any other person or persons, one debt or demand may be set against the other, and all such debts, dues, and claims as may be proved under a commission of bankruptcy, according to the provisions of an Act passed in the sixth year of the reign of his present Majesty, intituled, "An Act to amend the Laws relating to Bankrupts," or may hereafter be proveable under such commission by virtue of any Act hereafter to be passed, may also be proved upon any such hearing, as is herein-before mentioned, in the same manner, and subject to the like deductions, conditions, and provisions, as in the said last-mentioned Act are set forth and prescribed.

Creditors may claim, although omitted from schedule, &c.

XXXVII. And be it further enacted, that when any petition shall have been presented under this Act to any of the said Courts for the Relief of Insolvent Debtors, either by an insolvent or by any creditor or creditors of such insolvent, it shall be lawful for any person or persons to whom such insolvent shall be indebted, at any time before or after the discharge of such insolvent, to make claim upon the estate of such insolvent, and to prove his or their debt or debts, whether due by such insolvent solely, or jointly with any other person or persons, and shall be entitled to and receive a dividend thereon rateably with the other creditors of the said insolvent, although the name of such creditor may have been wholly omitted by the said insolvent in his or her schedule, or may have been inserted for a smaller amount

than the debt really due to such person; and in the case of an adjudication of an act of insolvency under this Act, then although no schedule shall have been filed by such insolvent, and where any objection to the existence or amount of such debt so claimed shall be made by such insolvent or any creditor, such Court shall hear the same, and make such order thereon as may seem meet and just.

XXXVIII. And be it further enacted, that upon the hearing of any such petition it shall be lawful for the Court to adjudge that the insolvent is entitled to the benefit of this Act, and to order his immediate discharge from custody accordingly, or to dismiss or amend the petition, or to order the insolvent or insolvents to amend his, her, or their schedule or schedules, or to adjourn the further hearing of the petition until a future day, or to make a reference to the examiner or other proper officer of the Court, to make inquiry into any matter of account, or into the truth of the schedule or schedules, and to report thereon to the Court; and it shall also be lawful for the Court to remand the insolvent or insolvents to prison until the further hearing of the petition, or until final order be made in the matter thereof, or to commit the insolvent or insolvents to custody for any debt or debts, if he, she, or they shall not be in custody at the time of the hearing, and to cancel or renew any such certificate as is herein-before mentioned, which may have been given for the purpose of protecting the insolvent or insolvents from arrest, or to make any fresh order for protecting the insolvent or insolvents from arrest until final order shall be made in the matter of the petition before the Court, and to order and direct that the assignee or assignees shall make some reasonable allowance for maintenance until such final order, the amount of which shall be fixed by the Court, and shall not exceed five sicca rupees per week: provided always, that in case of the Court dismissing any petition, the acts previously done by the assignee or assignees, or any person or persons acting under his or their authority, in pursuance of this Act, shall be valid; but in such case the Court shall make such order for re-assigning and re-delivery to the insolvent the residue of his or her estate and effects, as the case shall require, whereupon the same shall be re-vested in such insolvent accordingly.

Order of Court upon the hearing.

XXXIX. And be it further enacted, that the Court by which any order shall be made upon any such hearing as is herein-before mentioned shall also order that the assignee or assignees shall give such notice of such order having been made as to the Court shall seem fit and convenient.

Public notice shall be given of the order.

XL. And be it further enacted, that the discharge of any such insolvent so adjudicated as aforesaid shall and may extend to any sum and sums of money which shall be payable by way of annuity or otherwise, at any future time or times, by virtue of any bond, covenant, or other security whatsoever; and that every person and persons who would be a creditor or creditors of such insolvent for such sum or sums of money, if the same were presently due, shall be admissible as a creditor or creditors of such insolvent for the value of such sum or sums of money so payable as aforesaid; which value the said Court shall, upon application at any time made in that behalf, ascertain, regard being had to the original price given for such sum or sums of money, deducting therefrom such diminution in the value thereof as shall have been caused by the lapse of time since the grant thereof to the time of filing such insolvent's petition; and such creditor or creditors shall be entitled, in respect of such value, to the benefit of all the provisions made for creditors by this Act, without prejudice nevertheless to the respective securities of such creditor or creditors, excepting as respects such insolvent's discharge under this Act.

Discharge may extend to sums payable by way of annuity.

Any actions which may have been brought upon claims admitted in the schedule shall be discontinued.

XLI. And be it further enacted, that if at the time of any such hearing and order any suit or action shall be pending against the insolvent or insolvents in any Court within the British territories in the East-Indies, or for any debt, claim, obligation, or demand admitted in the schedule of the insolvent or insolvents, or disputed as to amount only, every plaintiff in such suit or action shall discontinue the same, and shall pay all costs incurred, subsequent to his having notice of such hearing and order; and in case of such discontinuance, the insolvent or insolvents shall not by virtue of any supersedeas, nonsuit, or judgment as in case of nonsuit in any such suit or action, be relieved from the debt, claim, obligation, or demand for which it shall have been brought, or entitled to claim from the plaintiff or plaintiffs any of the costs of any such suit or action incurred before the plaintiff or plaintiffs had notice of the hearing and order aforesaid.

Assignees may seize the property of the petitioners.

XLII. And be it further enacted, that every such assignee as aforesaid shall, with all convenient speed, take possession, by himself, or by means of messengers of the Court, or by other fit and proper persons, of all the real and personal estate and effects of the insolvent of which immediate possession may be obtained, and shall use his or her best endeavours to seize, obtain, recover, and reduce into possession as speedily as possible the rest of such estate and effects, and all debts, claims, and choses in action which by such assignment he shall have been empowered to obtain, recover, and get in.

The Court may sell the reputed property of the petitioner.

XLIII. And be it further enacted, that if any such insolvent or insolvents as are beforementioned, at the time of filing his, her or their petition, or at the time of any such adjudication of an act of insolvency as aforesaid, shall, by the consent and permission of the true owner thereof, have in his, her, or their possession, order, or disposition, any goods or chattels whereof he, she, or they is or are reputed owner, or of which he, she, or they have undertaken the sale, alteration, or disposition, as owner, the Court in which the petition shall have been filed, or by which such adjudication shall have been pronounced, shall have power to sell and dispose of the same for the benefit of the creditors of such insolvent or insolvents; provided that nothing herein contained shall invalidate or affect any transfer or assignment of any ship or vessel, or any share thereof, made as a security for any debt or debts, either by way of mortgage or assignment, according to the provisions of an Act of Parliament made in the sixth year of the reign of his present Majesty, and intituled, "An Act for the registering of British Vessels."

Assignees may redeem any property of the petitioner.

XLIV. And be it further enacted, that if any insolvent or insolvents shall have mortgaged, pledged, pawned, or deposited any real or personal estate, or any effects, deeds, or written instruments, with a reservation to himself, herself, or themselves of a power of redeeming the same, his, her, or their assignee or assignees shall have the same right and power of redemption as the insolvent or insolvents would have had if the assignment had not been made.

Where a petitioner is beneficially entitled to stock, Court may order transfer thereof.

XLV. And be it enacted, that if any insolvent or insolvents shall, at the time of filing his, her, or their petition for relief in any such Court for the Relief of Insolvent Debtors, or at the time of any such adjudication of an act of insolvency as aforesaid, or at any time before he or she shall have become entitled to his or her final discharge according to this Act, have any Government stock, funds, or annuities, or any of the stock of any public company either in England, Scotland, or Ireland, standing in his, her, or their own name or names, in his, her, or their own right, it shall be lawful for such Court, whenever it shall deem fit

so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name or names of such assignee or assignees as aforesaid, and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things done or permitted pursuant to such order: provided always, that in all transfers into the name or names of any such assignee or assignees, the transferee or transferees shall be described as assignee or assignees of the estate and effects of the insolvent; and no dividend shall be payable to, nor any future transfer made by, any person of any such stock, funds, or annuities, except under a power of attorney in the usual form required for the receipt of dividends upon or transfer of such stock, funds, and annuities respectively, duly executed by such assignee or assignees, and attested by two credible witnesses, one of whom shall be an officer of such Court for Relief of Insolvent Debtors, and to which attestation the seal of such Court shall be affixed.

XLVI. And be it further enacted, that after the hearing of any such petition and schedule as herein-before mentioned, it shall be lawful for the assignee or assignees, by and with the approbation of such Court, and by and with the consent of any creditors whose claims after such hearing shall appear to amount to more than half of all the debts due from the insolvent to persons resident within the British territories in the East-Indies, to take such reasonable part of any debts due to the petitioner or petitioners, as may by composition be gotten, in full discharge of such debts, and to submit to arbitration any difference or dispute between the assignee or assignees, and any other person or persons, for or on account or by reason of anything relating to the estate and effects of such prisoner.

Assignees may make composition for the rights and dues of the petitioners.

XLVII. And be it further enacted, that it shall be lawful for the assignee or assignees, by and with the like approbation and consent, to commence and prosecute or defend any suits or actions at law or in equity which the insolvent or insolvents might have commenced and prosecuted or defended, and to defray the costs to which he or they may be put in respect of such suits or actions out of the proceeds of the estate and effects of the insolvent or insolvents; and if there be any partner or partners of the insolvent or insolvents who hath not or have not joined in the petition, it shall be lawful for the Court to authorize the assignee or assignees to join such partner or partners with himself or themselves as plaintiffs in such suit or action; and if such partner or partners shall execute any release of the debt or demand for which such suit or action is brought, the release shall be void; provided always, that such partner or partners, if he, she, or they shall take no part in the prosecution or defence of such suit or action, shall not be liable to pay costs in respect of the same.

Assignees may prosecute and defend actions at law and suits in equity, with the approbation of the Court and consent of creditors.

XLVIII. And be it further enacted, that all powers vested in any such insolvent or insolvents as afore-mentioned, which he, she, or they might lawfully execute, for his, her, or their benefit, might be executed by his, her or their assignees, for the benefit of his, her, or their creditors.

Assignees may execute powers vested in insolvent.

XLIX. And be it further enacted, that from time to time as possession is obtained of any of the estate or effects of any insolvent or insolvents, the assignee or assignees shall with all convenient speed make sale of the same; subject nevertheless to the direction and control of the Court by authority of which he or they shall have been appointed, in case any application shall be made to such Court by any insolvent, or any creditor or mortgagee, in all which cases such Court shall have full power and authority to delay or postpone the sale of any property, and to make such other order regulating the same as to such Court shall seem meet.

Assignees shall sell the property, unless the Court direct otherwise.

Court may defer the sale of property, if it shall think proper.

L. And whereas the insolvents may be entitled to annuities for their own lives, or other uncertain interests, or to reversionary or contingent interests, or may have made advances of money for the cultivation of lands, or may be interested in property in other ways, in which the immediate sale thereof for payment of their debts may be very prejudical to them and to their creditors, and it may be proper in some cases to defer the sale of such property, and to put it under temporary management, or to authorize the raising of money by way of mortgage for payment of the debts or part of the debts of an insolvent, and for defraying the expenses attending the execution of this Act, instead of selling for such purpose; be it enacted, that in all such cases it shall be lawful for the said Courts for Relief of Insolvent Debtors at any time to take into consideration all circumstances affecting any property of the prisoner which shall have been assigned under the provisions of this Act; and if it shall appear to any such Court that it would be reasonable to make any special order touching the same, it shall be lawful for such Courts so to do, and to direct that so much of the said property as it may be expedient not to sell immediately, according to the provisions of this Act, shall not be so sold, and from time to time to order and direct in what manner such property shall be managed, for the benefit of the creditors of such insolvent, until the same can be properly sold, or until payment of such creditors be effected, according to the provisions of this Act, and to make such order touching the sale or disposition of such property as to such Court for Relief of Insolvent Debtors may seem reasonable and beneficial, and upon such terms and conditions, with respect to the allowance of interest on debts not bearing interest, or other circumstances, as to such Court shall seem just; and if it shall appear that the debts of any such insolvent or insolvents can be discharged by means of money raised by way of mortgage on any of the said property of the said insolvent or insolvents, instead of raising the same by sale, it shall be lawful for the said Court so to order, and to give all necessary directions for such purpose, and generally to direct all things which may be proper for the discharge of the debts of such insolvent or insolvents, as may be most consistent with the interest of such petitioner or petitioners, and of his, her, or their creditor or creditors.

Assignees to render accounts to the Court.

LI. And be it further enacted, that the assignee or assignees of all such insolvents as are herein-before mentioned shall keep accounts of the property, debts, and credits of such insolvents, whether belonging or due to or from such insolvents solely, or jointly with any other person or persons, wherein they shall enter all property of the insolvents received by them, and all payments made by them; which accounts any creditors may inspect at all seasonable times; and it shall be lawful for the Courts for the Relief of Insolvent Debtors at all times to summon the assignees before them, and require them to produce all books, papers, deeds, writings, and other documents in their possession, which in any way relate to the petition of the insolvent or insolvents; and if such assignee or assignees so summoned shall not come before such Courts respectively at the time appointed, or shall not bring with him or them such documents as are afore-mentioned, it shall be lawful for such Courts respectively to issue attachments, and to cause such assignee and assignees to be brought before them, and to commit such assignee or assignees to prison until he or they shall submit to the Court by which he or they shall have been summoned.

Court shall declare dividends.

LII. And be it further enacted, that whenever it shall appear by the accounts of any assignee or assignees that a dividend may be beneficially made amongst the creditors, it shall be lawful for any Court for the Relief of Insolvent Debtors to summon before it the assignee or assignees, and to direct that such public notice as to the Court may seem meet shall be given of a further hearing of the petition on a day certain, for the purpose of making a divi-

dend; and on the day so fixed the insolvent or insolvents, and assignee or assignees, and any creditors who shall be willing to do so, shall attend the Court, and all objections to the schedule of the insolvent or insolvents, and to the accounts or conduct of the assignees, and any claims of any creditors which shall not have been previously determined, shall be then heard and determined, either by such Court immediately, or upon a reference to the examiner or other proper officer of such Court; and it shall be lawful for such Court to examine the insolvent or insolvents, assignees, or any witnesses, on oath, and either at that time to declare a dividend, and to direct that the same shall be paid by the assignee or assignees, or to postpone such declaration and direction of the same until a further hearing, and to make such order in the matter of the petition, and respecting the same, as shall be most conducive to the attainment of the benefit intended by the several provisions of this Act.

No dividend to joint creditors from separate estate until separate creditors paid in full, nor *é converso*.

LIII. Provided always, and be it enacted, that it shall not be lawful for such Court to order any dividend to be made amongst the joint creditors out of the separate estate, until the separate creditors shall have been paid in full, nor to order any dividend to be made to the separate creditors out of the joint estate, until all the joint creditors shall have been paid in full; in which latter case it shall be lawful for such Court to order such dividend to be made among the separate creditors, out of such interest in the joint estate, as such insolvent shall appear to be separately entitled to.

A certain part of an insolvent's property to be reserved for a limited time.

LIV. Provided always, and be it further enacted, that unless it shall appear, upon reasonable proof to be made to the satisfaction of such Court for the Relief of Insolvent Debtors, and be so certified by such Court, that all the property of the insolvent is situate, and all the debtors and creditors resident, within the limits of the Charter of the said United Company, then, until the expiration of twelve calendar months from the notice in the *London Gazette* of the petition of any insolvent, as herein-before mentioned, the assignee or assignees appointed by such Court shall reserve the full amount of one-third part of the property of the said insolvent collected in and received by such assignee or assignees, and shall make a dividend among the creditors of the said insolvent to the amount of the remaining two-third parts only, which third part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such way as such Court shall order, and shall not remain in the hands of such assignee or assignees; and at the expiration of the said term of twelve calendar months, it shall be lawful for the assignee or assignees of such insolvent to apply to such Court for a return of the said third part so reserved as aforesaid, in order that the same may be so distributed among the creditors as to place them all upon an equal footing; and upon such third part so reserved as aforesaid being restored to such assignee or assignees, such assignee or assignees shall forthwith proceed to take an account of the debts of the said insolvent, and of the sum or sums which shall or may have been paid by way of dividend to any of such creditors, and shall distribute the fund then in the hands of such assignee or assignees, so as to place all the creditors of the said insolvent, whether Indian or British, upon a just and equal footing, and so as that every creditor shall receive a rateable and proportionable part of the assets of the said insolvent, according to the amount of his debt, and whether such debt be inserted or omitted in the schedule, or whether the same shall have been rightly inserted or not, and without reference to the time at which such debt shall have been claimed.

Court to direct what is to be done with the money of absent creditors.

LV. And be it further enacted, that if any creditor whose claim shall have been established in any Court for the Relief of Insolvent Debtors shall not appear, by himself, his attorney or agent, at the making of any dividend, nor shall make application to receive his, her, or

their share thereof, the assignee or assignees shall certify the same to such Court at its first sitting after the making of the dividend; and it shall be lawful for the Court to direct in what manner, and by whom, and upon what conditions, the money so due to such creditor or creditors shall be kept for or paid to him, her, or them, or to his, her, or their lawful constituted attorney.

Assignees to make compensation to the petitioners or their creditors for any losses which may be occasioned by their misconduct.

LVI. And be it further enacted, that if any assignee or assignees shall neglect to account, or to pay any difference which shall have been ordered by any Court for the Relief of Insolvent Debtors, or in any other respect shall neglect his or their duty as assignee or assignees, it shall be lawful for such Court to summon such assignee or assignees, and to inquire into such neglect; and if such Court shall be of opinion that the insolvent or insolvents, or his, her, or their creditors, have suffered any injury by the fault of the assignee or assignees, it shall be lawful for such Court to order the assignee or assignees to make such compensation for the same as to such Court shall seem fit; and in default of the assignee or assignees obeying the summons of such Court, or making such compensation as shall be ordered by such Court, it shall be lawful for such Court to commit the assignee or assignees who shall have so offended to the common gaol, there to remain without bail until he or they shall obey the order of such Court; or to levy, by distress and sale of the offender's goods, so much as shall be sufficient to make the compensation which shall have been ordered by such Court.

In certain cases, discharge to be at any period not later than three years from petitioning.

LVII. And be it further enacted, that in case it shall appear to any Court for the Relief of Insolvent Debtors, that any such insolvent has fraudulently, with intent to conceal the state of his or her affairs, or to defeat the objects of this Act, destroyed, or otherwise wilfully prevented or purposely withheld the production of any book, paper, or writing relating to such of his or her affairs as are subject to investigation under this Act; or kept or cause to be kept false books, or made false entries in, or withheld entries from, or wilfully altered or falsified any such book, paper, or writing; or that such insolvent has fraudulently, with intent of diminishing the sum to be divided among his or her creditors, or of giving an undue preference to any of the said creditors, discharged or concealed any debt due to or from the said insolvent; or made away with, charged, mortgaged, or concealed any part of his or her property, of what kind soever; then it shall and may be lawful for such Court to adjudge that such insolvent shall be so discharged, and so entitled as aforesaid, so soon as he or she shall have been in custody, at the suit of some one or more of the persons as to whose debts and claims such discharge is so adjudicated, for such period or periods, not exceeding three years in the whole as such Court shall direct, to be computed from the date of his or her petition.

In other cases, discharge to be at any period not later than two years from petitioning.

LVIII. And be it further enacted, that in case it shall appear to any such Court that such insolvent shall have contracted any of the debts fraudulently, or by means of breach of trust, or by means of false pretences, or without having any reasonable or probable expectation, at the time when contracted, of paying the same; or shall have put any of his or her creditors to any unnecessary expense, by any vexatious or frivolous defence or delay to any suit for recovering any debt, or any sum of money due from such insolvent; or shall be indebted for damages recovered in any action for criminal conversation with the wife, or for seducing the daughter or servant of the plaintiff in such action, or for breach of promise of marriage made to the plaintiff in such action, or for damages recovered in any action for a malicious prosecution, or for a libel, or for slander, or in any other action for a malicious injury, done to the plaintiff therein, or in any action of tort or trespass to the person or property of the plaintiff therein, wherein it shall appear, to the satisfaction of such Court, that the injury

complained of was malicious; then it shall and may be lawful for such Court to adjudge that such insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to such debts, sum or sums of money, or damages as above mentioned: and as to such debt or debts, sum or sums of money, or damages, to adjudge that such insolvent shall be so discharged and so entitled as aforesaid as soon as he or she shall have been in custody, at the suit of the person or persons who shall be creditor or creditors for the same respectively, for a period or periods not exceeding two years in the whole, as such Court shall direct, to be computed as aforesaid.

Court may order costs in certain cases to be paid to creditors out of insolvent's estate.

LIX. And be it further enacted, that whenever any creditor or creditors opposing such insolvent's discharge shall prove, to the satisfaction of any such Court, that such insolvent has done or committed any act for which, upon such adjudication as aforesaid, he or she may be liable to remain in such custody as aforesaid for a period not exceeding three years, to be computed as aforesaid, such Court shall adjudge the taxed costs of such opposition to be paid to such opposing creditor or creditors, out of the estate and effects of such prisoner, by his or her assignee or assignees, before any dividend made thereof: and in all other cases of opposition to an insolvent's discharge being substantiated or effectual, it shall be lawful for such Court to adjudge in like manner if it shall seem fit; and that in case it shall appear to such Court that the opposition of any creditor to any such insolvent's discharge was frivolous and vexatious, it shall and may be lawful for such Court to award such costs to such insolvent as shall appear to be just and reasonable, to be paid by the creditor or creditors making such opposition, which shall be paid accordingly.

Costs in cases of frivolous opposition.

Court to make order pursuant to adjudication, and issue warrant.

LX. And be it enacted, that where, in the matter of any such petition heard before any such Court, any adjudication shall have been made by such Court for discharge of any insolvent, order shall be made accordingly by the said Court in pursuance of such adjudication, and such Court shall also issue a warrant or warrants to the gaoler accordingly, ordering the discharge of such insolvent from custody as to the detainers under which he or she shall then be confined, or which shall be lodged against him or her before he or she shall be out of custody, the same being for debts in respect of which such adjudication shall have been made; and that every such order of adjudication shall take effect as from the day on which the adjudication shall have been made in that behalf; and that every such adjudication, and certificate thereof, and order thereupon, may be made without specifying therein any such debt or debts, or sum or sums of money, or claims as aforesaid, or naming therein any such creditor or creditors as aforesaid, excepting so far as shall be necessary in any case in order to distinguish between the creditors as to whom any such insolvent may be adjudged to be so discharged and entitled as aforesaid forthwith, and the creditors as to whom he or she may be adjudged to be so discharged and entitled at some future period: provided nevertheless, that in all cases the detainer or detainers with respect to which any such insolvent shall have been adjudged to be discharged out of custody, he or she being then in custody thereupon, shall be specified in the warrant of such Court, to be delivered to the gaoler in that behalf.

Proviso.

Adjudication and order to be final, unless obtained on false evidence, &c. in which case Court may order a rehearing.

LXI. And be it further enacted, that every such adjudication for discharge of any insolvent as aforesaid by any such Court as aforesaid, and the order thereupon, so made as aforesaid, except in cases of appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless such Court shall thereafter see good and sufficient cause to believe that such adjudication has been made on false evidence, or otherwise improperly made or fraudulently obtained, in which case it shall and may be lawful for such Court, upon the application

of such insolvent, or of any creditor of such insolvent, to order such insolvent, upon due notice, to be given to such persons and in such manner as the said Court shall direct, to attend or to be brought up, and the said matter to be reheard before the said Court, who shall thereupon rehear the same, and shall and may, if just cause shall appear, annul the original adjudication and order thereupon made in such case, and shall have the same powers and authorities upon such rehearing as upon any original hearing in pursuance of this Act, and may adjudicate in such matter accordingly; and thereupon, in case the former adjudication in the said matter shall not be confirmed, such order, certificate, and warrant shall be made as required by this Act to be made upon such original adjudication; and the said Court shall and may, if necessary, remand the said insolvent to the same custody in which he or she was at the time of the former hearing, there to be subject to imprisonment as if the former adjudication therein had not been made; and thereupon all detainers which were in force against such insolvent at the time of his or her former discharge from custody, shall be deemed to be still in force against him or her, as if such former adjudication had not been made; and the gaoler and keeper of the prison to which such insolvent shall be so remanded shall and is hereby required to receive such insolvent into his custody, in pursuance of such remand, for doing which the order of remand in such case shall be his sufficient warrant; and where in any case such insolvent shall refuse or neglect to appear before such Court, according to such order for rehearing as aforesaid, a copy whereof shall have been duly served on such insolvent, it shall and may be lawful for such Court to order such insolvent to be apprehended, and committed to custody to such prison, and to issue its warrant accordingly, and to cause such insolvent to be brought up for examination as often as to such Court shall seem fit: provided always, that where upon such rehearing it shall appear to such Court that such insolvent is not entitled to the benefit of this Act until some future period, according to the provisions herein contained, the said Court shall and may, if it shall appear reasonable, adjudge the discharge of such insolvent at such future period, to be calculated without including the time during which such insolvent shall have been out of custody since the time appointed for his or her discharge by such former adjudication as aforesaid.

Insolvent may, after discharge, be examined as to the estate and effects, on application of the assignee.

LXII. And whereas the estate, both real and personal, of any person whose discharge has been adjudicated under this Act, may not be sufficiently described or discovered in his or her schedule so sworn to as aforesaid, or the assistance of such person may be necessary to adjudge, make out, recover, or manage his or her estate and effects, for the benefit of his or her creditors; be it therefore enacted, that it shall and may be lawful to and for the assignee or assignees of the estate and effects of any such person whose discharge shall have been adjudicated under this Act, in case such person shall, upon application to him or her for that purpose, have refused or neglected to give the necessary information, from time to time to apply to the Court by which any such adjudication shall have been pronounced, that such person may be further examined as to any matters or things relating to his or her estate and effects by such Court; and thereupon, and also in case such person shall neglect or refuse to appear before such Court at such time and place as shall be directed by such order, or appearing shall refuse to be sworn, or to answer such questions as shall be put to him or her relating to the discovery of his or her said estate and effects, then and in any of such cases it shall be lawful for such Court, by warrant, to commit such person to gaol, there to remain without bail or mainprize until such time as he or she shall submit himself or herself to the order of such Court in that behalf, and shall answer upon oath or otherwise, as shall be required, to all such lawful questions as shall be put to him or her, in pursuance of the same, for the purposes aforesaid.

LXIII. And be it further enacted, that whenever it shall be made to appear to the satisfaction of any Court for Relief of Insolvent Debtors, upon the application of any insolvent, his assignee or assignees, or any of his or her creditors, that the estate of such insolvent debtor which shall have come to the hands of the assignee or assignees shall have produced sufficient to pay and discharge three-fourths of the amount of the debts which shall have been established in such Court, or that creditors to the amount of more than one-half in number and value of the debts which shall have been so established shall signify their consent in writing thereto, it shall be lawful for such Court to inquire into the conduct of the said insolvent; and if it shall appear to such Court that the said insolvent has acted fairly and honestly towards his or her creditors, such Court shall be fully authorized and empowered thereupon to order that the said insolvent shall be for ever discharged from all liability whatsoever for or in respect of such debts so established as aforesaid; and such Court shall, in the order to be drawn up, specify and set forth the names of such creditors; and after any such order shall have been so made, no further proceedings shall be had in the matter of the petition before the Court, unless upon appeal made to the Supreme Court of Judicature of the presidency where such Court for the Relief of Insolvent Debtors shall be holden, as hereby authorized: provided always, that no such order as last aforesaid shall prevent any creditor who shall not have been resident within the limits of the Charter of the said United Company at any time between the filing of such petition and the making of such order as last-mentioned, and who shall not have taken part in any of the proceedings under the said petition, from bringing any suit or action in the East-Indies, for the purpose of obtaining execution against the goods, estate, or effects of such insolvent, for any unsatisfied claim of such creditor, nor from bringing any suit or action for such claim in any Court of the United Kingdom of Great Britain and Ireland, or elsewhere without the limits of the said United Company's Charter, against such insolvent, in the same manner, and with the like consequences and effects, as if such order as last-mentioned had not been made.

Court may, in certain cases, discharge the insolvent from all liability in respect of the debts specified.

Order of discharge not to affect creditors residing out of the limits at the time.

LXIV. And be it further enacted, that if after the making of any such order as last aforesaid any insolvent shall, contrary to the tenor of the same, and to the true intent and meaning of this Act, be sued in any Court whatsoever, it shall be lawful for such person to plead such order, and to give an office copy thereof in evidence; and if such person shall thereupon obtain a verdict or decree in his or her favour, or if the bill shall be dismissed for want of prosecution, or there shall be judgment of nonsuit, the defendant or defendants shall also be adjudged to have treble costs.

Remedy for unlawful proceedings against petitioner after final order.

LXV. Provided always, and be it enacted, that in all cases where it shall have been adjudged that any such insolvent shall be so discharged and be entitled as aforesaid at some future period, such insolvent shall be subject and liable to be detained in prison, and to be arrested and charged in custody, at the suit of any one or more of his creditors with respect to whom it shall have been so adjudged, at any time before such period shall have arrived, in the same manner as he or she would have been subject and liable thereto if this Act had not passed: provided nevertheless, that when such period shall have arrived such insolvent shall be entitled to the benefit and protection of this Act, notwithstanding that he or she may have been out of actual custody during all or any part of the time subsequent to such adjudication, by reason of such prisoner not having been arrested or detained during such time or any part thereof.

Where adjudication of discharge at a future period, the petitioner may be arrested, &c. till period arrives.

LXVI. And be it further enacted, that in all cases where such insolvent shall, upon such adjudication as aforesaid, be liable to further imprisonment at the suit of his or her creditor

Court may order detaining creditor to pay prisoner a sum not ex-

ceeding five sicca rupees per week.

or creditors, or any or either of them, it shall be lawful at any time for the Court by which such adjudication shall be pronounced, on the application of such insolvent, to order such creditor or creditors at whose suit he or she shall be so imprisoned to pay to such insolvent such sum or sums of money, not exceeding the rate of five sicca rupees by the week in the whole, at such times, and in such manner, and in such proportions as such Court shall direct; and that, on failure of payment thereof, as directed by such Court, such Court shall order such insolvent to be forthwith discharged from custody at the suit of the creditor or creditors so failing to pay the same.

Special provisions for insolvent married women.

LXVII. And be it further enacted, that if any married woman, being a prisoner, or in insolvent circumstances, within the intent and meaning of this Act, shall petition to be discharged for any debt or debts under the provisions of the same, it shall be lawful for any Court for the Relief of Insolvent Debtors to which such petition shall be presented to receive the same, without requiring such married woman to execute such conveyance or assignment as may be lawfully required for other petitioners according to the provisions of this Act, but instead thereof such Court shall require such married woman to execute a conveyance and assignment for vesting in an assignee or assignees appointed by such Court, all property, real and personal, to which she may be entitled for her separate use, whether in possession, remainder, reversion, or expectancy, or over which she shall have any power of disposition, notwithstanding her coverture, or which shall be vested in any trustee or trustees, or other person or persons, for her benefit, and to deliver up all personal estate and effects of which she shall have the actual possession, except such as she may be permitted by such Court to retain, subject only to such right, title, or interest as her husband may have in the aforesaid real and personal property; all which acts she is hereby empowered to do without her husband, notwithstanding her coverture, so nevertheless as not to prejudice any right of her husband in such real and personal estate and effects respectively; and all such estate and effects, real and personal, in possession, reversion, or remainder, shall, by such conveyance and assignment so to be executed under the order of such Court, be as effectually vested in the assignee or assignees as the same might have been vested in such assignee or assignees by the conveyance or assignment of such woman if she had been sole and unmarried, subject only to the rights of her husband therein as aforesaid; and all provision in this Act contained, touching the real and personal estate of any petitioner or petitioners seeking to be relieved under the authority of the same, shall apply to such real and personal estate and effects of such married woman, in the same manner as the same would apply to such personal estate.

Insolvent lunatics.

LXVIII. And be it further enacted, that if any such prisoner for debt as aforesaid shall be or become of unsound mind, and be therefore incapable of taking the benefit of this Act, in such manner as he or she might have done if of sound mind, the gaoler or keeper of the prison wherein the prisoner shall be shall give information thereof to the Court for the Relief of Insolvent Debtors of the presidency wherein such prison shall be situated, which Court shall thereupon issue a commission to some competent person or persons to inquire, examine, and report to such Court touching and respecting the state of the prisoner's mind; and such Court may either confirm or set aside the report of such commissioner or commissioners, and may, if it think fit, make further inquiry by examination of witnesses upon oath; and if such Court shall conclude that the prisoner is of unsound mind, it shall be lawful for such Court, at the instance of any person or persons on behalf of such prisoner, to order notice to be twice inserted in the *Gazette* of such presidency, and in such notice to specify and direct

that application will be made to such Court for the discharge of such prisoner on a day to be specified in such notice, being twenty days at least from the first time of publication of such notice; which notice, together with service of the notice on the creditor or creditors at whose suit such prisoner shall be detained in custody, or his, her, or their attorney, shall be deemed sufficient to authorize such Court to proceed to the discharge of such prisoner, and such Court shall proceed accordingly, and discharge such prisoner: provided always, that all and every estate, right, title, interest in law and equity, real and personal, power, benefit, and emolument whatsoever, which if such prisoner were of sound mind could and ought to be assigned by such prisoner pursuant to the provisions of this Act, shall, by force and virtue of the order for the discharge of such prisoner, be vested in the common or other assignee or assignees appointed by such Court, as fully and effectually, and in the same manner, and with all and every the same consequence and effect, both in fact and law, as if such prisoner had been of sound mind, and had duly conveyed the same to such common or other assignee at the time and in the manner in this Act provided.

LXIX. And be it further enacted, that after the time appointed for this Act to take effect, every warrant of attorney to confess judgment in any personal action, in any of his Majesty's Courts of Record within the British territories under the government of the said United Company, and every *cognovit actionem* given by any defendant in any personal action which shall be pending in any of the said Courts, shall, within six weeks after the execution of such warrant or cognovit, be filed, together with an affidavit of the time of the execution thereof, with the prothonotary or other proper officer of the Court in which the judgment is confessed or the action is pending; and every such warrant of attorney and *cognovit actionem* as aforesaid, which shall not be so filed as aforesaid, shall be deemed fraudulent, null and void, to all intents and purposes; and if any warrant or cognovit which shall be so filed as aforesaid shall have been given subject to any defeazance or condition, such defeazance or condition shall be written on the same paper or parchment on which such warrant or cognovit shall be written, before the time when it shall be filed, otherwise such warrant or cognovit shall be null or void to all intents and purposes.

Warrants of attorney and cognovits shall be void, unless filed in six weeks after execution.

LXX. And be it further enacted, that the prothonotary or other proper officer of his Majesty's Court of Record within the British territories under the government of the said United Company shall cause every warrant of attorney and *cognovit actionem* in any personal action, filed in his office, to be numbered, and shall keep a book or books in his said office, in which he shall cause to be fairly entered an alphabetical list of all such warrants and cognovits, according to the form of a schedule annexed to an Act passed in the third year of his present Majesty, intituled, "An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment;" which book or books, and every warrant of attorney and *cognovit actionem* filed as aforesaid, shall be searched and viewed at all times, upon payment of the fees lawfully established.

Prothonotary, &c. to keep books for the registry of warrants and cognovits.

3 G. 4. c. 39.

LXXI. And be it further enacted, that it shall be lawful for the Court in which any such warrant or cognovit is filed to order a memorandum of satisfaction to be written upon any such warrant or cognovit, if it shall appear to such Court that the debt for which such warrant or cognovit was given as a security shall have been satisfied or discharged.

Court may order memorandum of satisfaction to be indorsed.

LXXII. And be it further enacted, that if any person, in any proceeding, examination, affidavit, or affirmation had or taken under this Act, shall wilfully and corruptly swear or

Penalty for perjury.

affirm falsely, it shall be lawful for any Court before which any such person shall be convicted of any such offence by due course of law, to order and adjudge such person, if convicted in the said United Kingdom, to be transported for any term not exceeding seven years, or if convicted in the East-Indies, to be transported to such place and for such term as the Court shall direct, or in either case to order and adjudge that such person shall be imprisoned and fined, or imprisoned or fined only, for such time, and to such amount, and in such manner, as the same Court shall direct.

Penalty for embezzlement or concealment of effects.

LXXIII. And be it further enacted, that if any insolvent or other person shall wilfully and fraudulently embezzle or conceal any part of the real and personal estate or effects of any insolvent or insolvents who shall have filed a petition for relief, or against whom any petition shall have been filed in any of the said Courts for the Relief of Insolvent Debtors, such person shall be guilty of a misdemeanor; and it shall be lawful for any Court before which any such person shall be convicted of any such offence by due course of law, to order and adjudge that such person shall be transported to such place and for such term of years as the said Court shall direct, or to order and adjudge that such person shall be imprisoned and fined, or imprisoned or fined only, for such time, and to such amount, and in such manner, as the same Court shall direct.

Application of fines imposed for the foregoing offences.

LXXIV. And be it further enacted, that whenever any person or persons shall have been ordered and adjudged, under the provisions of this Act, to pay any fine for any forgery, perjury, embezzlement, or concealment, and such fine shall have been paid, it shall be lawful for any assignee or assignees in whom the estate and effects of any insolvent or insolvents shall be duly vested, according to the provisions of this Act, to apply to the Court by which such fine shall have been imposed; and if it shall be proved to the satisfaction of the same Court that the creditors for whose benefit the said assignee or assignees shall hold in trust the said estate and effects have been defrauded, or have incurred loss, by means of such forgery, perjury, embezzlement, or concealment, the said Court by which the said fine shall have been imposed shall pay the same, after deducting the costs of prosecution, to the said assignee or assignees for the use and benefit of the said creditors; provided always, that if no such application shall be made by such assignee or assignees within one year after any such fine shall have been paid, it shall be lawful for the Court by which such fine shall have been imposed, to appropriate, apply, and pay over such fine to such uses, purposes, and persons, and in such manner as any other fine imposed by the same Court for any forgery, perjury, or other crime or misdemeanor may be lawfully appropriated, applied, and paid over.

Mode of taking affidavits.

LXXV. And be it enacted, that all affidavits and affirmations to be used before any Court for the Relief of Insolvent Debtors, or any officer of such Court, shall and may be sworn and affirmed before such Court, or any commissioner or other person appointed by such Court for that purpose, or any judge or commissioner for taking affidavits in any of his Majesty's Courts of Record within the limits of the said United Company's Charter, or before any master or master extraordinary in Chancery in England or Ireland, or any magistrate authorized to take affidavits or affirmations in Scotland.

No person having had the benefit of this Act shall have it again within five years, except in certain cases.

LXXVI. Provided always, and be it further enacted, that no person who shall have been at any time discharged by virtue of this Act shall again be entitled to the benefit thereof within the space of five years after such discharge, unless a majority in number and value of the creditors against whom such person shall seek to be discharged by virtue of this Act shall

signify his, her, or their assent to such discharge, or unless it shall be made to appear to the satisfaction of the Court for the Relief of Insolvent Debtors, to which application for such discharge shall be made, that such person has since his or her former discharge endeavoured by industry and frugality to pay all just demands upon him or her, and has incurred no unnecessary expense, and that the debts which such person has incurred subsequent to such former discharge have been necessarily incurred for the maintenance of such person, or his or her family, or that the insolvency of such person has arisen from misfortune, or from inability to acquire subsistence for himself or herself, and his or her family.

In actions under this Act the general issue may be pleaded.

LXXVII. And be it further enacted, that if any action of escape, or any other suit or action shall be brought against any magistrate or officer, or any other person for performing the duty of his office or appointment in pursuance of this Act, he or they may plead the general issue, and give this Act in evidence; and if the plaintiff shall be nonsuited, or discontinue his or her action, or a verdict shall pass against him or her, or judgment shall be given for the defendant upon demurrer, the defendant shall have treble costs.

Officer of Court to produce proceedings, and give copies.

LXXVIII. And be it further enacted, that the proper officer of the several Courts for the Relief of Insolvent Debtors shall, on the reasonable request of any such insolvent as aforesaid, or of any creditor or creditors of such insolvent, or his or their attorney, produce and shew to such insolvent, creditor or creditors, and his, her, or their attorney, at such times as such Courts respectively shall direct, every petition, schedule, order of adjudication, and all other orders and proceedings made and had relating to such insolvent, and all books, papers, and writings filed in such matter, and permit him, her, or them to inspect and examine the same, and shall provide for any such insolvent, or creditor or creditors, or his, her, or their attorney requiring the same, a copy or copies of such petition and other proceedings, or of such part thereof as shall be required, receiving such fee as such Court shall appoint for so providing the same; and that a copy of such petition, schedule, order, and other orders and proceedings, purporting to be signed by the officer in whose custody the same shall be, or his deputy, certifying the same to be a true copy of such petition, schedule, order, or other proceeding, and sealed with the seal of the said Courts respectively, shall at all times be admitted in all Courts whatever, and before Commissioners of Bankrupt and Justices of the Peace, as sufficient evidence of the same, without any proof whatever given of the same, further than that the same is sealed with the seal of such Courts respectively as aforesaid.

Proceedings not liable to stamp duty, &c.

LXXIX. And be it further enacted, that no conveyance, assignment, letter of attorney, affidavit, certificate, or other proceeding, instrument, or writing whatsoever, before or under any order of any of such Courts for Relief of Insolvent Debtors, nor any copy thereof, nor any advertisement inserted in any newspaper by direction of any such Court, relating to matters within the jurisdiction of such Court, shall be liable to or chargeable or charged with the payment of any stamp or other duty whatsoever, and that no sale of any real or personal estate of any such insolvent as aforesaid, for the benefit of his, or her creditors under this Act, shall be liable to any auction duty.

Courts may make rules for facilitating the relief hereby intended.

LXXX. And be it further enacted, that his Majesty's Supreme Courts of Judicature at Calcutta, Madras, and Bombay respectively, shall respectively have power to make all necessary and reasonable rules for facilitating and carrying into effect within their respective jurisdictions the relief intended to be given by this Act in cases for which sufficient provision has not been thereby made.

Continuance of Act.

LXXXI. And be it further enacted, that this Act shall continue in force until the first day of March one thousand eight hundred and thirty-three. (1)

(1) [The operation of the Act has been continued by others, for which see the note immediately following the title.]

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9 GEORGII IV. Cap. LXXIV.

An Act *for improving the Administration of Criminal Justice in the East-Indies:* [25 *July*, 1828.]

Whereas many wholesome alterations have lately been made in the criminal law of England, and the administration thereof, by authority of Parliament: and it is expedient that some of the said alterations should be extended to the British territories under the Government of the United Company of Merchants of England trading to the East-Indies; be it therefore enacted by the King's most Excellent Majesty, by and with the consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall commence and take effect on and from the first day of March, one thousand eight hundred and twenty-nine, and shall extend to all persons and all places, as well on land as on the high seas, over whom or which the criminal jurisdiction of any of his Majesty's Courts of Justice erected or to be erected within the British territories under the government of the United Company of Merchants of England trading to the East-Indies does or shall hereafter extend.

From the 1st March, 1829, this Act to take effect throughout the jurisdiction of the King's Courts in the East-Indies.

Who may be admitted to bail on a charge of felony, and who may not.

II. And be it enacted, that where any person shall be taken on a charge of felony or suspicion of felony before one or more justice or justices of the peace, and the charge shall be supported by positive and credible evidence of the fact, or by such evidence as if not explained or contradicted, shall in the opinion of the justice or justices raise a strong presumption of the guilt of the person charged, such person shall be committed to prison by such justice or justices in the manner herein-after mentioned; but if there shall be only one justice present, and the whole evidence given before him shall be such as neither to raise a strong presumption of guilt, nor to warrant the dismissal of the charge, such justice shall order the person charged to be detained in custody until he or she shall be taken before two justices at the least; and where any person so taken, or any person in the first instance taken before two justices of the peace, shall be charged with felony or on suspicion of felony, and the evidence given in support of the charge, shall in their opinion not be such as to raise a strong presumption of the guilt of the person charged, and to require his or her committal, or such evidence shall be adduced on behalf of the person charged as shall in their opinion weaken the presumption of his or her guilt, but there shall notwithstanding appear to them, in either of such cases, to be sufficient ground for judicial inquiry into his or her guilt, the person charged shall be admitted to bail by such two justices in the manner herein-after mentioned: provided always, that nothing herein contained shall be construed to require any such justice or justices to hear evidence on behalf of any person so charged as aforesaid, unless it shall appear to him or them to be meet and conducive to the ends of justice to hear the same: provided also, that in all

cases where any person or persons charged as aforesaid, shall be brought before one justice, at any place beyond the local limits of the jurisdiction of any of his Majesty's Courts of Justice erected or to be erected within the British territories, under the Government of the said United Company, it shall be lawful for such justice alone either to commit such person to prison, or to admit him to bail as herein-before directed.

Before any person charged with felony, &c. shall be bailed or committed, the Justices shall take down in writing the examination, &c. and bind witnesses to appear at the trial.

III. And be it enacted, that the justice or justices of the peace, before he or they shall admit to bail or commit to prison any person arrested for felony or on suspicion of felony, shall take the examination of such person, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same or as much thereof as shall be material into writing, and the two justices shall certify such bailment in writing; and every such justice shall have authority to bind by recognizance all such persons as know or declare anything material touching any such felony or suspicion of felony, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or superior Criminal Court or Sessions of the Peace, at which the trial thereof is intended to be, then and there to prosecute or give evidence against the party accused; and such justices and justice respectively shall subscribe all such examinations, informations, bailments, and recognizances, and deliver or cause the same to be delivered to the proper officer of the Court in which the trial is to be, before or at the opening of the Court.

Examinations, &c. to be delivered to the Court.

Duty of Justices on charges of misdemeanor.

IV. And be it enacted, that every justice of the peace before whom any person shall be taken on a charge of misdemeanor or suspicion thereof, shall take the examination of the person charged, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing, before he shall commit to prison or require bail from the person so charged; and in every case of bailment shall certify the bailment in writing, and shall have authority to bind all persons by recognizance to appear to prosecute or give evidence against the party accused, in like manner as in cases of felony; and shall subscribe all examinations, informations, bailments, and recognizances, and deliver or cause the same to be delivered to the proper officer of the Court in which the trial is to be, before or at the opening of the Court, in like manner as in cases of felony.

Duty of coroner.

V. And be it enacted, that every coroner, upon any inquisition before him taken, whereby any person shall be indicted for manslaughter or murder, or as an accessary to murder before the fact, shall put in writing the evidence given to the jury before him, or as much thereof as shall be material, and shall have authority to bind by recognizance all such persons as know or declare anything material touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the next Court of Oyer and Terminer, or Gaol Delivery, or superior Criminal Court or Sessions, at which the trial is to be, then and there to prosecute or give evidence against the party charged; and every such coroner shall certify and subscribe the same evidence, and all such recognizances, and also the inquisition before him taken, and shall deliver the same to the proper officer of the Court in which the trial is to be, before or at the opening of the Court.

Penalty on justices and coroners.

VI. And be it enacted, that if any justice or coroner shall offend in any thing contrary to the true intent and meaning of these provisions, the Court to whose officer any such examination, information, evidence, bailment, recognizance, or inquisition ought to have been

delivered, shall upon examination and proof of the offence in a summary manner, set such fine upon every such justice or coroner as the Court shall think meet.

Accessory before the fact may be tried as such, or as a substantive felon, by any Court which has jurisdiction to try the principal felon, although the offence be committed on the seas or abroad.

VII. And for the more effectual prosecution of accessories before the fact to felony, be it enacted, that if any person shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law or by virtue of any statute or statutes made or to be made, the person so counselling, procuring, or commanding shall be deemed guilty of felony, and may be indicted and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may be punished in the same manner as any accessory before the fact to the same felony if convicted as an accessory, may be punished; and the offence of the person so counselling, procuring, or commanding, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal felon, in the same manner as if such offence had been committed at the same place as the principal felony, although such offence may have been committed either on the high seas, or at any place on land, whether within his Majesty's dominions or without; and that in case the principal felony, and the offence of counselling, procuring, or commanding, shall have been committed in different places, the last-mentioned offence may be inquired of, tried, determined and punished in any of his Majesty's Courts of Justice within the British territories under the government of the said United Company, having jurisdiction to try either of the said offences; provided always, that no person who shall be once duly tried for any such offence, whether as an accessory before the fact or as for a substantive felony, shall be liable to be again indicted or tried for the same offence.

If the offence be committed in different places, accessory may be tried in any of the King's Courts in India having jurisdiction.

Accessory after the fact may be tried by any Court which has jurisdiction to try the principal felon.

VIII. And be it enacted, that if any person shall become an accessory after the fact to any felony, whether the same be a felony at common law, or by virtue of any statute or statutes made or to be made, the offence of such person may be inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal felon, in the same manner as if the act by reason whereof such person shall have become an accessory had been committed at the same place as the principal felony, although such act may have been committed either on the high seas or at any place on land, whether within his Majesty's dominions or without; and that in case the principal felony, and the act by reason whereof any person shall have become accessory, shall have been committed in different places, the offence of such accessory may be inquired of, tried, determined, and punished in any of his Majesty's Courts of Justice within the British territories under the government of the said United Company, having jurisdiction to try either of the said offences: provided always, that no person who shall be once duly tried for any offence of being an accessory shall be liable to be again indicted or tried for the same offence.

If the offence be committed in different places, accessory may be tried in any Court having jurisdiction.

Accessory may be prosecuted after conviction of the principal, though the principal be not attainted.

IX. And be it enacted, that if any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die or be pardoned, or otherwise delivered before attainder; and every such accessory shall suffer the same punishment, if he or she be in anywise convicted, as he should have suffered if the principal had been attainted.

X. And be it enacted, that in any indictment or information for any felony or misdemeanor wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named, and another or others, as the case may be; and whenever in any indictment or information for any felony or misdemeanor it shall be necessary to mention, for any purpose whatsoever, any partners, joint-tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision shall be construed to extend to all joint-stock companies and trustees.

In indictments for offences committed on the property of partners, it may be laid in any one partner by name, and others.

XI. And be it enacted, that no indictment or information shall be abated by reason of any dilatory plea of misnomer, or of want of addition, or of wrong addition of the party offering such plea, if the Court shall be satisfied by affidavit or otherwise of the truth of such plea, but in such case the Court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

Indictment not to abate by dilatory plea of misnomer.

XII. And be it enacted, that no judgment upon any indictment or information for any felony or misdemeanor, whether after verdict or outlawry, or by confession, default, or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace;" nor for the insertion of the words "against the form of the statute" instead of the words "against the form of the statutes," or *vice versâ;* nor for that any person or persons mentioned in the indictment or information is or are designated by the name of office or other descriptive appellation instead of his, her, or their proper name or names; nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information, or on an impossible day, or on a day that never happened; nor for want of a proper or perfect venue, where the Court shall appear by the indictment or information to have had jurisdiction over the offence.

What defects shall not vitiate an indictment after verdict or otherwise.

XIII. And be it enacted, that no judgment after verdict, upon any indictment or information for any felony or misdemeanor, shall be stayed or reversed for want of a similiter, nor by reason that the jury process has been awarded to a wrong officer, or upon an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors, nor because any person has served upon the jury who has not been returned as a juror by the sheriff or other officer; and that where the offence charged has been created by any statute, or subjected to a greater degree of punishment, the indictment or information shall, after verdict, be held sufficient to warrant the punishment prescribed by the statute, if it describe the offence in the words of the statute.

What shall not be sufficient to stay or reverse judgment after the verdict.

XIV. And be it enacted, that if any person, being arraigned upon any indictment or inquisition for treason, felony, or piracy, shall plead thereto a plea of not guilty, he shall by such plea, without any further form, be deemed to have put himself upon the country for trial, and the Court shall in the usual manner order a jury for the trial of such person accordingly.

A plea of not guilty shall put the prisoner on his trial by jury.

If he refuse to plead, Court may order a plea of not guilty to be entered.

XV. And be it enacted, that if any person, being arraigned upon or charged with any indictment, inquisition, or information for treason, felony, piracy, or misdemeanor, shall stand mute, or will not answer directly to such indictment, inquisition, or information, in every such case it shall be lawful for the Court, if it shall so think fit, to order the proper officer to enter a plea of not guilty on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

Every challenge beyond the legal number shall be void.

XVI. And be it enacted, that if any person arraigned upon any indictment or inquisition for any treason, felony, or piracy shall challenge peremptorily a greater number of the men returned to be of the jury than such person is entitled by law so to challenge in any of the said cases, every peremptory challenge beyond the number allowed by law in any of the said cases shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made.

Attainder of another crime not pleadable.

XVII. And be it enacted, that no plea setting forth any attainder shall be pleaded in bar of any indictment, unless the offence stated in the plea be substantially the same offence as that charged in the indictment.

Jury not to inquire of prisoner's lands, &c.

XVIII. And be it enacted, that where any person shall be arraigned upon any indictment or inquisition for treason or felony, the jury empannelled to try such person shall not be charged to inquire concerning his lands, tenements, or goods, nor whether he fled for such treason or felony.

Benefit of clergy abolished.

XIX. And be it enacted, that benefit of clergy with respect to persons convicted of felony shall be abolished.

What felonies only shall be capital.

XX. And be it enacted, that no person convicted of felony shall suffer death, unless it be for some felony which was excluded from the benefit of clergy before the day herein-before mentioned for this Act taking effect, or which shall be made punishable with death by this Act or by some statute to be passed hereafter.

Felonies not capital to be punished under the Acts, if any, relating thereto, otherwise under this Act.

XXI. And be it enacted, that every person convicted of any felony not punishable with death shall be punished in the manner prescribed by the statute or statutes specially relating to such felony; and that every person convicted of any felony for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the discretion of the Court, to be transported to such place as such Court shall direct, for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

The Court may order hard labour or solitary confinement as part of the sentence of imprisonment.

XXII. And be it enacted, that where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the Court in its discretion shall seem meet.

XXIII. And be it enacted, that wherever sentence shall be passed for felony on a person already imprisoned under sentence for another crime, it shall be lawful for the Court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced; and where such person shall be already under sentence either of imprisonment or transportation, the Court, if empowered to pass sentence of transportation, may award such sentence for the subsequent offence, to commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced, although the aggregate term of imprisonment or transportation respectively may exceed the term for which either of those punishments could be otherwise awarded.

If a person under sentence for another crime is convicted of felony, the Court may pass a second sentence, to commence after the expiration of the first.

XXIV. And be it enacted, that if any person shall be convicted of any felony not punishable with death, committed after a previous conviction for felony, such person shall on such subsequent conviction be liable, at the discretion of the Court, to be transported to such place as such Court shall direct, for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such imprisonment; and in an indictment for any such felony committed after a previous conviction for felony, it shall be sufficient to state that the offender was at a certain time and place convicted of felony, without otherwise describing the previous felony; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony, purporting to be signed by the clerk of the Court or other officer having the custody of the records of the Court where the offender was first convicted, or by the deputy of such clerk or officer, (for which certificate a fee of three sicca rupees, and no more, shall be demanded or taken,) shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the same; and if any person other than such clerk, officer, or deputy, shall sign any such certificate as such clerk, officer, or deputy, or if any person shall utter any such certificate with a false or counterfeit signature thereto, every such offender shall be guilty of felony, and being lawfully convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such imprisonment.

Punishment for a subsequent felony.

Form of indictment for the subsequent felony.

What will be sufficient proof of the first conviction.

Punishment for signing or uttering false certificate of conviction.

XXV. And be it enacted, that all offences prosecuted in any of his Majesty's Courts of Admiralty shall, upon every first and subsequent conviction, be subject to the same punishments, whether of death or otherwise, as if such offence had been committed upon the land.

Admiralty offences.

XXVI. And be it enacted, that wherever this or any other statute relating to any offence, whether punishable upon indictment or summary conviction, in describing or referring to the offence or the subject matter thereof, or the offender, or the party affected or intended to be affected by the offence, shall use words importing the singular number or the masculine gender only, yet the statute shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and whenever any forfeiture

Rule for interpreting all criminal statutes.

or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved.

Court may abstain from pronouncing sentence of death on persons convicted of any felonies, except murder.

XXVII. And be it enacted, that whenever any person shall be convicted of any felony except murder, for which he shall by law be liable to suffer death, and the Court before which such offender shall be convicted shall be of opinion that the particular circumstances of the case do not require that judgment of death should be pronounced, but that such offender is a fit and proper subject either to be recommended to the royal mercy(1), or to be ordered to be transported under the authority of this Act, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper officer then being present in Court to require and ask, whereupon such officer shall require and ask, if such offender hath or knoweth any thing to say why judgment of death should not be recorded against such offender; and in case such offender shall not allege any matter or thing sufficient in law to arrest or bar such judgment, the Court shall and may and is hereby authorized to abstain from pronouncing judgment of death upon such offender, and instead of pronouncing such judgment, to order the same to be entered of record, and thereupon such proper officer as aforesaid shall and may and is hereby authorized to enter judgment of death on record against such offender in the usual and accustomed form, and in such and the same manner as is now used, and as if judgment of death had actually been pronounced in open Court against such offender by the Court before which such offender shall have been convicted.

(1) [See Act of Government of India, No. 7, of 1837, in Appendix.]

Record of judgment to have the same effect as if pronounced.

XXVIII. And be it further enacted, that a record of every such judgment so entered as aforesaid shall have the like effect to all intents and purposes, and be followed by all the same consequences, as if such judgment had actually been pronounced in open Court, and the offender had been reprieved by the Court.

Court may order capital offenders to be transported, instead of being left for execution.

XXIX. And be it enacted, that when any person shall be convicted of any felony for which judgment of death shall be pronounced or recorded against him, it shall and may be lawful for the Court, instead of leaving such judgment of death to be executed on such offender, to order such offender to be transported to such place as the Court shall direct, either for life or for such term of years as the Court shall order.

For performance of such orders of transportation.

XXX. And be it enacted, that where any offender shall be ordered or sentenced to be transported by any Court, the Governor in Council of the Presidency, or other chief officer of the place where the conviction shall be had, shall and he is hereby required to take order for the due performance of such sentence of transportation accordingly: provided always, that it shall not be lawful for any such Court to order the transportation of any person, being a native of the East-Indies and not born of European parents, to the eastern coast of New South Wales, or any of the islands adjacent thereto.

Proviso for certain natives of India.

Persons returning from transportation into the territories of the Company, &c.

XXXI. And be it enacted, that if any offender who shall be ordered by any Court to be transported for any term, of life or years, shall be found within any of the British territories within the limits of the said United Company's Charter, except the place to which he shall have been so ordered to be transported, or shall come into any part of this United Kingdom before the end of his term, and shall be convicted thereof, he shall be liable to be punished as a person attainted of felony, and to suffer death accordingly: provided nevertheless, that

nothing herein contained shall be construed or taken to prevent his Majesty from extending his royal mercy to any such offender, and allowing his return from such place of transportation.

His Majesty may extend his mercy to offenders.

XXXII. And be it enacted, that on any prosecution by indictment or information, either at common law or by virtue of any statute, against any person, for forging or counterfeiting any deed, writing, instrument, or other matter whatsoever, or for uttering any deed, writing, instrument, or other matter whatsoever, knowing the same to be forged or counterfeited, or for being accessory before or after the fact to any such offence, if the same be a felony, or for aiding, abetting, or counselling, the commission of any such offence, if the same be a misdemeanor, no person shall be deemed to be an incompetent witness in support of any such prosecution, by reason of any interest which such person may have or be supposed to have in respect of such deed, writing, instrument, or other matter.

The party whose name is forged shall be a competent witness in prosecutions for forgery.

XXXIII. And be it declared and enacted, that where the King's Majesty shall be pleased to extend his royal mercy to any offender convicted of any felony punishable with death or otherwise, and by warrant under his sign manual, countersigned by one of his principal Secretaries of State, shall grant to such offender either a free or a conditional pardon, the discharge of such offender out of custody in the case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the effect of a pardon under the great seal for such offender as to the felony for which such pardon shall be so granted: provided always, that no free pardon, nor any such discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any felony committed after the granting of any such pardon.

Effect of free or conditional pardon to a convict.

XXXIV. And be it enacted, that where any offender hath been or shall be convicted of any felony, and hath endured or shall endure the punishment which hath been or shall be judged or ordered in respect thereof, the punishment so endured hath and shall have the like effects and consequences as a pardon under the great seal, as to the felony whereof the offender was so convicted: provided always, that nothing herein contained, nor the enduring of such punishment shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony.

Every punishment for felony, after it has been endured, shall have the effect of a pardon under the great seal.

XXXV. And be it enacted, that where any offender hath been or shall be convicted of any misdemeanor which renders the parties convicted thereof incompetent witnesses (except perjury or subornation of perjury) (1), and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, such offender shall not, after the punishment so endured, be deemed to be by reason of such misdemeanor an incompetent witness in any Court or proceeding, civil or criminal.

No misdemeanor (except perjury) shall render a party an incompetent witness after punishment.

(1) [See Act of Government of India, No. 19 of 1837, in Appendix.]

XXXVI. And be it enacted, that every Quaker or Moravian, who shall be required to give evidence in any case whatsoever, criminal or civil, shall, instead of taking an oath in the usual form, be permitted to make his or her solemn affirmation or declaration in the words following; that is to say, "I, *A. B.*, do solemnly, sincerely, and truly declare and affirm;" and that every native of any country within the limits of the Charter of the said United

Affirmations of Quakers or Moravians, &c. to be admitted in all cases.

Company, who may be required to give evidence in any case whatsoever, criminal or civil, and who shall object on the ground of any religious scruple to take an oath in the usual form, may, at the discretion of the Court, be permitted to make his or her solemn affirmation or declaration in such manner and form as the Court shall deem sufficiently binding upon his, or her conscience, which said affirmation or declaration shall be of the same force and effect in all Courts of justice and other places, where by law an oath is required, as if such Quaker, Moravian, or native had taken an oath in the usual form; and if any person making such affirmation or declaration shall be convicted of having wilfully, fasely, and corruptly affirmed or declared any matter or thing which if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful and corrupt perjury are subject.

All persons to be sworn according to the forms of their respective religions.

XXXVII. And be it enacted, that all persons who by any laws are now required to take an oath upon the Holy Evangelists, or in any other manner, for the purpose of sitting or acting as members of any Court, civil or criminal, or for any other purpose whatsoever, may instead thereof, be sworn according to the forms of their respective religions.

Aiders and abettors in felonies and misdemeanors against this Act.

XXXVIII. And be it enacted, that in case of any felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death, or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act, (except only a receiver of stolen property,) and an accessory after the fact to murder, shall, on conviction, be liable to be imprisoned for any term not exceeding two years; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Aiders and abettors in offences punishable on a summary conviction.

XXXIX. And be it enacted, that if any person shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, every such person shall, on conviction before a justice of the peace, be liable for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

A person may be apprehended in the act of committing an offence.

A Justice, upon good grounds of suspicion, may grant a search warrant.

A person to whom property suspected to be stolen, &c. is offered, may seize the party offering.

XL. And be it enacted, that any person found committing any offence punishable either upon indictment or upon summary conviction by virtue of this Act, may be immediately apprehended without a warrant by any peace-officer, or by the party aggrieved, or by his servant, or any person authorized by him, and forthwith taken before some neighbouring justice of the peace, to be dealt with according to law; and if any credible witness shall prove upon oath before a justice of the peace a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever, on or with respect to which any such offence shall have been committed, the justice may grant a warrant to search for such property, as in the case of stolen goods, and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and if in his power is required, to apprehend and forthwith to carry before a justice of

the peace the party offering the same, together with such property, to be dealt with according to law.

XLI. And be it enacted, that the prosecution for every offence punishable on summary conviction under this Act shall be commenced within three calendar months after the commission of the offence, and not otherwise; and the evidence of the party aggrieved shall be admitted in proof of the offence.

Summary proceedings shall be commenced within three months.

XLII. And be it enacted, that where any person shall be charged on the oath of a credible witness, before any justice of the peace, with any such offence, the Justice may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then, (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode,) the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself or some other justice of the peace: or the justice before whom the charge shall be made, may, (if he shall so think fit) without any previous summons (unless where otherwise specially directed) issue such warrant, and the Justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

Mode of compelling the appearance of persons punishable on summary conviction.

XLIII. And be it enacted, that every sum of money which shall be forfeited for the value of any property stolen or taken, or for the amount of any injury done, (such value or amount to be assessed in such case by the convicting justice), shall be paid to the party aggrieved, if known, except where such party shall have been examined in proof of the offence; or when the party aggrieved is unknown, such sum shall be applied in the same manner as the penalty: provided always, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the value of the property, or to the amount of the injury, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only, and the corresponding sum or sums forfeited by the other offender or offenders shall be applied in the same manner as any penalty imposed by a justice of the peace is herein directed to be applied.

Application of forfeitures and penalties on summary convictions.

Proviso.

XLIV. And be it enacted, that in every case of a summary conviction under this Act, where the sum which shall be forfeited for the value of the property stolen or taken, or for the amount of the injury done, or which shall be imposed as a penalty by the justice, shall not be paid either immediately after the conviction, or within such period as the justice shall at the time of the conviction appoint, it shall be lawful for the convicting justice (unless where otherwise specially directed) to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both, (as the case may be,) together with the costs, shall not exceed fifty sicca rupees, and for any term not exceeding four calendar months, where the amount, with costs, shall not exceed one hundred sicca rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount, with costs.

If a person summarily convicted shall not pay, &c. the Justice may commit him.

Scale of imprisonment.

XLV. Provided always, and be it enacted, that where any person shall be summarily convicted before a justice of the peace of any offence against this Act, and it shall be a first con-

The Justice may discharge the party from his conviction in certain cases.

viction, it shall be lawful for the justice, if he shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damages and costs or either of them, as shall be ascertained by the justice.

A summary conviction shall be a bar to any other proceeding for the same cause.

XLVI. And be it enacted, that in case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid, together with costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or shall have been discharged from his conviction in the manner aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

Form of conviction.

XLVII. And be it enacted, that the justice before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require; *videlicet:*

"Be it remembered, that on the day of in the year of "our Lord at [*as the case may be*] *A. O.* is convicted "before me, *I.P.*, one of his Majesty's Justices of the Peace for for "that he the said *A.O.* did [*specify the offence, and the time and place when and where "the same was committed, as the case may be, and on a second conviction state the "first conviction,*] and I, the said *I.P.*, adjudge the said *A.O.* for the said offence to be "imprisoned in the [*or* to be imprisoned in the "and there kept to hard labour for the space of ;] *or*, I adjudge the "said *A.O.* for his said offence to forfeit and pay [*here "state the penalty actually imposed, or state the penalty, and also the value of the "articles stolen, or the amount of the injury, and as the case may be,*] and also to pay "the sum of for costs; and in default of immediate payment of the "said sums, to be imprisoned in the [*or* to be imprisoned "in the and there kept to hard labour] for the space "of unless the said sums shall be sooner paid; [*or*, and I order "that the said sums shall be paid by the said *A.O.* on or before the day of " ;] and I direct that the said sum of [i.e. *the "penalty only*] shall be paid to of "aforesaid, in which the said offence was committed, to be by him applied according to "the directions of the statute in that case made and provided; [*or* that the said sum of " [i.e. *the penalty*, shall be paid to, *&c. as before,*] and that the said "sum of [i.e. *the value of the articles stolen or the amount of the "injury done,*] shall be paid to *C.D.* [*the party aggrieved, unless he has been examined "in proof of the offence, in which case state that fact, and dispose of the whole like the "penalty as before.*] Given under my hand and seal, the day and year first above-"mentioned."

Appeal.

XLVIII. And be it enacted, that in all cases where the sum adjudged to be paid on any summary conviction shall exceed fifty sicca rupees, or the imprisonment adjudged shall exceed one calendar month, or the conviction shall take place before one Justice only, any person who shall think himself aggrieved by any such conviction may appeal to the next Court of general or quarter sessions which shall be holden not less than twelve days after the day of such con-

viction, provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions, and to try such appeal and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given and such recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such person if in custody; and the Court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

No *certiorari*, &c. allowed.

XLIX. And be it enacted, that no such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of his Majesty's superior Courts of Record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Convictions to be returned to the sessions.

How far they shall be evidence in future cases.

L. And be it enacted, that every justice of the peace before whom any person shall be convicted of any offence against this Act shall transmit the conviction to the next Court of general or quarter sessions, there to be kept by the proper officer among the records of the Court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the Court, or proved to be a true copy, shall be sufficient evidence to prove conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

Venue in actions under this Act.

Notice of action.

General issue, &c.

LI. And be it enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such cause of action shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender or sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be shall certify his approbation of the action.

How either of the Supreme Courts may apply certain fines.

LII. And whereas doubts have arisen whether his Majesty's Supreme Courts at Calcutta, Madras, and Bombay respectively, or any Justice of the Peace in the British territories under the government of the said United Company, may lawfully defray the costs of any prosecu-

tion, or may make compensation to any prosecutor, otherwise than out of any fine levied in the same prosecution; be it enacted, that each of the said Supreme Courts may apply towards the reasonable costs of prosecuting offences, or of compensating prosecutors (whether the prosecution be before the said Court or any Justices of the Peace), any part of the whole sum arising out of fines levied by or transmitted to the said Courts; provided always, that no such allowance for cost or compensation shall be made, except upon motion in open Court; and that nothing herein contained shall prevent Justices of the Peace from making such allowances for costs or compensation to prosecutors as they might before have lawfully done.

Petit treason to be treated as murder.

LIII. And be it enacted, that every offence which before the commencement of this Act would have amounted to petit treason shall be deemed to be murder only, and no greater offence; and all persons guilty in respect thereof, whether as principals or accessories, shall be dealt with, indicted, tried, and punished as principals and accessories in murder.

Punishment of principal and accessory.

LIV. And be it enacted, that every person convicted of murder, or of being an accessory before the fact to murder, shall suffer death as a felon; and every accessory after the fact to murder shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

Period of execution, and marks of infamy.

Sentence to be pronounced immediately after conviction.

Power to respite.

LV. And be it enacted, that every person convicted of murder shall be executed according to law on the day next but one after that on which the sentence shall be passed, unless the same shall happen to be Sunday, and in that case on the Monday following; and the body of every murderer shall, after execution, either be dissected or hung in chains, as to the Court shall seem meet; and sentence shall be pronounced immediately after the conviction of every murderer, unless the Court shall see reasonable cause for postponing the same; and such sentence shall express not only the usual judgment of death, but also the time hereby appointed for the execution thereof, and that the body of the offender shall be dissected or hung in chains, if the Court shall think fit: provided always, that after such sentence shall have been pronounced, it shall be lawful for the Court or Judge to stay the execution thereof, if such Court or Judge shall so think fit.

Provision for the trial of murder and manslaughter, where the death, or the cause of death only, happens within the limits of the East-India Company's Charter.

LVI. And be it enacted, that where any person, being feloniously stricken, poisoned, or otherwise hurt at any place whatsoever, either upon the land or at sea, within the limits of the Charter of the said United Company, shall die of such stroke, poisoning, or hurt at any place without those limits, or being feloniously stricken, poisoned, or otherwise hurt at any place whatsoever, either upon land or at sea, shall die of such stroke, poisoning, or hurt at any place within the limits aforesaid, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before or after the fact to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished by any of his Majesty's Courts of Justice within the British territories under the government of the said United Company, in the same manner in all respects as if such offence had been wholly committed within the jurisdiction of the Court within the jurisdiction of which such offender shall be apprehended or be in custody.

Punishment of manslaughter.

LVII. And be it enacted, that every person convicted of manslaughter shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, or to pay such fine as the Court shall award.

LVIII. Provided always, and be it enacted, that no punishment or forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any manner without felony.

Excusable and justifiable homicide.

LIX. And be it enacted, that if any person unlawfully and maliciously shall administer or attempt to administer to any person, or shall cause to be taken by any person, any poison or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall, by drawing a trigger, or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut, or wound any person, with intent, in any of the cases aforesaid, to murder such person, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon. (1)

Attempting, by poison or violence, to murder.

(1) [See Act of Government of India, No. 31 of 1838, in Appendix.]

LX. And be it enacted, that if any person unlawfully and maliciously shall shoot at any person, or shall, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices, for any offence for which he or they may respectively be liable by law to be apprehended or detained, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon: provided always, that in case it shall appear, on the trial of any person indicted for any of the offences above specified, that such acts of shooting, or of attempting to discharge loaded arms, or of stabbing, cutting, or wounding as aforesaid, were committed under such circumstances that if death had ensued therefrom the same would not in law have amounted to the crime of murder, in every such case the person so indicted shall be acquitted of felony. (1)

Shooting at, or stabbing, cutting, or wounding any person, with intent to rob, maim, &c., capital.

Proviso.

(1) [See Act of Government of India, No. 31 of 1838, in Appendix.]

LXI. And be it enacted, that if any person, with intent to procure the miscarriage of any woman then being quick with child, unlawfully and maliciously shall adminster to her, or cause to be taken by her, any poison or other noxious thing, or shall use any instrument or other means whatsoever with the like intent, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon; and if any person, with intent to procure the miscarriage of any woman not being or not being proved to be then quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine or other thing, or shall use any instrument or other means whatever with the like intent, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding fourteen years nor less than seven years, or to be imprisoned for any term not exceeding three years, and if a male to be once, twice, or thrice publicly

Administering poison, or using any means to procure the miscarriage of any woman quick with child.

Using means with intent to procure miscarriage, where the woman is not quick with child.

or privately whipped, (if the Court shall so think fit,) in addition to such imprisonment. (1)

(1) See Act of Government of India, No. 31 of 1838, in Appendix.]

A woman concealing the birth of her child.

LXII. And be it enacted, that if any woman shall be delivered of a child, and shall, by secret burying or otherwise disposing of the dead body of the said child, endeavour to conceal the birth thereof, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years; and it shall not be necessary to prove whether the child died before, at, or after its birth: provided always, that if any woman tried for the murder of her child shall be acquitted thereof, it shall be lawful for the jury by whose verdict she shall be acquitted to find, in case it shall so appear in evidence, that she was delivered of a child, and that she did, by secret burying or otherwise disposing of the dead body of such child, endeavour to conceal the birth thereof: and thereupon the Court may pass such sentence as if she had been convicted upon an indictment for the concealment of the birth.

Sodomy.

LXIII. And be it enacted, that every person convicted of the abominable crime of buggery committed either with mankind or with any animal, shall suffer death as a felon.

Rape.

LXIV. And be it enacted, that every person convicted of the crime of rape shall suffer death as a felon.

Carnal knowledge of a girl under the age of eight, and above eight and under ten.

LXV. And be it enacted, that if any person shall unlawfully and carnally know and abuse any girl under the age of eight years, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon; and if any person shall unlawfully and carnally know and abuse any girl being above the age of eight years and under the age of ten years, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned for such term as the Court shall award.

What sufficient to constitute rape, &c.

LXVI. And whereas upon trials for the crimes of buggery and of rape, and of carnally abusing girls under the respective ages herein-before mentioned, offenders frequently escape by reason of the difficulty of the proof which has been required of the completion of these several crimes; for remedy thereof be it enacted, that it shall not be necessary, in any of those cases, to prove the actual emission of seed in order to constitute a carnal knowledge, but that the carnal knowledge shall be deemed complete upon proof of penetration only.

Forcible abduction of any woman on account of her fortune, with intent to marry her, &c.

LXVII. And be it enacted, that where any woman shall have any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or shall be an heiress presumptive or next of kin to any one having such interest, if any person shall, from motives of lucre, take away or detain such woman against her will, with intent to marry or defile her, or to cause her to be married or defiled by any other person, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be transported to such place as the Court shall direct, either for life or for any term not less than seven years, or to be imprisoned for any term not exceeding four years.

Unlawful abduction of any girl under sixteen from her parents, &c.

LXVIII. And be it enacted, that if any person shall unlawfully take or cause to be taken any unmarried girl, being under the age of sixteen years, out of the possession and against

the will of her father or mother, or of any other person having the lawful care or charge of her, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to suffer such punishment, by fine or imprisonment, or by both, as the Court shall award.

LXIX. And be it enacted, that if any person shall maliciously, either by force or fraud, lead or take away, or decoy or entice away, or detain, any child under the age of ten years, with intent to deprive the parent or parents, or any other person having the lawful care or charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong; or if any person shall, with any such intent as aforesaid, receive or harbour any such child knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained as herein-before mentioned; every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be transported to such place as the Court shall direct for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male to be once, twice, or thrice publicly or privately whipped (if the Court shall think fit), in addition to such imprisonment: provided always, that no person who shall have claimed to be the father of an illegitimate child, or to have any right to the possession of such child, shall be liable to be prosecuted by virtue hereof, on account of his getting possession of such child, or taking such child out of the possession of the mother, or any other person having the lawful charge thereof.

Stealing a child under the age of ten years.

Not to extend to fathers taking their illegitimate children.

LXX. And be it enacted, that if any person professing the Christian religion, being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in the East-Indies or elsewhere, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be transported to such place as the Court shall direct for the term of seven years, or to be imprisoned for any term not exceeding two years; and every such offence may be dealt with, inquired of, tried, determined, and punished by any of his Majesty's Courts of Justice within the British territories under the government of the said United Company, within the jurisdiction of which the offender shall be apprehended or be in custody, as if the offence had been actually committed within such jurisdiction: provided always, that nothing herein contained shall extend to any second marriage contracted out of his Majesty's dominions by any other than a subject of his Majesty, or to any person marrying a second time, whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who at the time of such second marriage shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

Bigamy.

Place of trial.

Exceptions.

LXXI. And be it enacted, that if any master of a merchant vessel shall, during his being abroad, force any man on shore, or wilfully leave him behind in any of his Majesty's colonies or elsewhere, or shall refuse to bring home with him again all such of the men whom he carried out with him as are in a condition to return when he shall be ready to proceed on his homeward-bound voyage, every such master shall be guilty of a misdemeanor, and being lawfully convicted thereof, shall be imprisoned for such term as the Court shall award; and the said Court is hereby authorized to issue one or more commissions, if necessary, for the

Master of a merchant vessel forcing a seaman on shore, or refusing to bring him home.

examination of witnesses abroad; and the depositions taken under the same shall be received in evidence on the trial of every such indictment or information.

Counterfeiting any deed, &c.

LXXII. And be it enacted, that if any person shall falsely make, forge, counterfeit, or alter, or shall utter or publish as true, or sell, offer, or dispose of, or put away, knowing the same to be false, forged, counterfeited, or altered, any deed, or any written instrument for the conveyance or transfer of any property or interest in any land, house, or goods, or any share or interest in any public stock or fund established by authority of Parliament or of the said United Company, or of any foreign state, or in any stock or fund of any body corporate, company, or society, or for securing the payment of money, or any will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, or any indorsement or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any acquittance or receipt for money, or any goods or valuable thing, or any accountable receipt of any note, bill, or other security for payment of money, or any warrant or order for payment of money, or delivery or transfer of any goods or valuable thing, or any decree, order, record, certificate, minute, affidavit, deposition, or other writing which shall be, or purport to have been enrolled, drawn up, filed, entered, issued, or delivered by any Court or magistrate in any proceeding, criminal or civil, with intention to defraud any person whatsoever, or any corporation, every such offender shall be guilty of felony, and being thereof convicted, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

Counterfeiting current coin.

LXXIII. And be it enacted, that if any person shall counterfeit any gold or siver coin of any of the territories under the governments of the said United Company in the East-Indies, or any gold or silver coin usually current and received as money in payment in any part of the British territories under the government of the said United Company, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment

Uttering counterfeit coin.

LXXIV. And be it enacted, that if any person shall utter or tender in payment, or sell or give in exchange, or pay or put off to any person, any such false or counterfeited coin as aforesaid, knowing the same to be so false or counterfeited, every such offender, being thereof convicted, shall be adjudged by the Court to suffer six months' imprisonment, and find sureties for his good behaviour for six months more, to be computed from the end of the said first six months; and if the same person shall afterwards be convicted a second time of the like offence of uttering or tendering in payment, or selling, or giving in exchange, or paying or putting off, any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, such person shall for such second offence suffer two years' imprisonment, and find sureties for his or her good behaviour for two years more, to be computed from the end of the said first two years; and if the same person shall afterwards offend a third time, in uttering or tendering in payment, or selling, or giving in exchange, or paying or putting off, any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, and

1st offence,

2d offence.

3d offence.

shall be convicted of such third offence, he shall be sentenced to transportation for life to such place beyond the seas as the Court shall direct.

Having in possession more than five pieces of counterfeit coin, without lawful excuse, punishable with fine or three months' imprisonment.

LXXV. And be it enacted, that if any person shall have in his custody, without lawful excuse, the proof whereof should lie on the party accused, any greater number of pieces than five pieces of such false or counterfeit coin as aforesaid, every such person, being thereof convicted upon the oath of one or more credible witness or witnesses before one of his Majesty's justices of the peace, or if there shall be no justice of the peace duly qualified to act in the place where such offence shall be committed, before one of the judges of his Majesty's Court there, shall forfeit and lose all such false and counterfeit coin, which shall be cut in pieces and destroyed by order of such justice or judge, and shall for every offence forfeit and pay any sum of money not exceeding in value forty sicca rupees, or less than twenty sicca rupees, in the currency of the place in which such offence shall be committed, for every such piece of false or counterfeit coin which shall be found in the custody of such person, one moiety to the informer or informers, and the other moiety to the poor of the presidency, settlement, or place in which such offence shall be committed; and in case any such penalty shall not be forthwith paid, it shall be lawful for such justice or judge to commit the person or persons who shall be adjudged to pay the same to the common jail or house of correction, there to be kept to hard labour for the space of three calendar months, or until such penalty shall be paid.

In connection with sections 73, 74, and 75, see Act of the Government of India, No. 31 of 1839, in Appendix.

Counterfeiting licences or certificates, or attested copies thereof, punishable with fine and imprisonment.

LXXVI. And be it enacted, that if any person shall counterfeit, erase, alter, or falsify any licence authorizing any ship or vessel to proceed to any place in the East-Indies or parts aforesaid, or any licence or certificate authorizing any person to go to or reside at any such place, or any attested copy of any such licence or certificate, or shall utter or publish as true any such counterfeited, erased, altered, or falsified licence, certificate, or attested copy, knowing the same to be counterfeited, erased, altered, or falsified, every such offender, being convicted thereof, shall suffer such imprisonment not exceeding one year, and shall pay such fine not exceeding in value one thousand sicca rupees in the currency of the place in which such offence shall be committed, as the Court shall direct. (1)

(1) [This section must be understood in connection with 3 & 4 Wm. 4, cap. 85, secs. 81 to 84.]

Distinction between grand and petty larceny abolished.

LXXVII. And be it enacted, that the distinction between grand larceny and petty larceny shall be abolished; and every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents, in all respects, as grand larceny was before the day of this Act taking effect.

Punishments for simple larceny.

LXXVIII. And be it enacted, that every person convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall, except in the cases herein-after otherwise provided for, be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Stealing public or private securities for money, or warrants for goods, shall be felony, and punishable like stealing goods.

LXXIX. And be it enacted, that if any person shall steal any security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether established by authority of Parliament or of the said United Company, or of any foreign state, or in any stock or fund of any body corporate, company, or society, or to any deposit in any savings' bank, or shall steal any debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, whether of the territories under the government of the said United Company, or of any other of his Majesty's dominions, or of any foreign country or state, or shall steal any warrant or order for the delivery or transfer of any goods or valuable thing, every such offender shall be deemed guilty of felony of the same nature and in the same degree, and punishable in the same manner as if he had stolen any chattel of like value with the share, interest, or deposit to which the security so stolen may relate, or with the money due on the security so stolen or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing mentioned in the warrant or order; and each of the several documents herein-before enumerated shall, throughout this Act, be deemed for every purpose to be included under and denoted by the words "valuable security."

Rule of interpretation.

Robbery from the person; stealing from the person; assaults with intent to rob, and demands accompanied with menaces or force.

LXXX. And be it enacted, that if any person shall rob any other person of any chattel, money, or valuable security, every such offender, being convicted thereof, shall suffer death as a felon; and if any person shall steal any such property from the person of another, or shall assault any other person with intent to rob him, or shall with menaces or by force demand any such property of any other person with intent to steal the same, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment. (1)

(1) [See Act of Government of India, No. 31 of 1838, in Appendix.]

Obtaining money, &c. by threatening to accuse a party of an infamous crime.

LXXXI. And be it declared and enacted, that if any person shall accuse or threaten to accuse any other person of any infamous crime, as herein-after defined, with a view or intent to extort or gain from him, and shall, by intimidating him by such accusation or threat, extort or gain from him any chattel, money, or valuable security, every such offender shall be deemed guilty of robbery, and shall be indicted and punished accordingly. (1)

(1) [See Act of Government of India, No. 31 of 1838, in Appendix.]

Sending letters threatening to accuse a party of an infamous crime for the purpose of extorting money, &c.

LXXXII. And be it enacted, that if any person shall knowingly send or deliver any letter or writing, demanding of any person, with menaces, or without any reasonable or probable cause, any chattel, money, or valuable security; or if any person shall accuse or threaten or accuse, or shall knowingly send or deliver any letter or writing accusing or threatening to accuse, any person of any crime punishable by law with death, transportation, or pillory, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime, as herein-after defined, with a view or intent to extort or gain from such person any chattel, money, or valuable security, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years,

or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

LXXXIII. And be it enacted, that the abominable crime of buggery, committed either with mankind or with any animal, and every assault with intent to commit the said abominable crime, and every attempt or endeavour to commit the said abominable crime, and every solicitation, persuasion, promise, or threat offered or made to any person, whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act. What shall be deemed an infamous crime.

LXXXIV. And be it enacted, that every person convicted of burglary shall suffer death as a felon; and it is hereby declared, that if any person shall enter the dwelling-house of another with intent to commit felony, or being in such dwelling-house shall commit any felony, and shall in either case break out of the said dwelling-house in the night-time, such person shall be deemed guilty of burglary. (1) Burglary, capital.

(1) [See Act of Government of India, No. 31 of 1838, in Appendix.]

LXXXV. And be it enacted, that if any person shall break and enter any dwelling-house, and steal therein any chattel, money, or valuable security, to any value whatever, or shall steal any such property to any value whatever in any dwelling-house, any person therein being put in fear, or shall steal in any dwelling-house any chattel, money, or valuable security, to the value in the whole of fifty sicca rupees or more, every such offender being convicted thereof, shall suffer death as a felon. (1) House-breaking and stealing in a house, when capital.

(1) [See Act of Government of India, No. 31 of 1838, in Appendix.]

LXXXVI. Provided always, and be it enacted, that no building, although within the same curtilage with the dwelling-house, and occupied therewith, shall be deemed to be part of such dwelling-house for the purpose of burglary, or for any of the purposes aforesaid, unless there shall be a communication between such building and dwelling-house, either immediate or by means of a covered and inclosed passage leading from one to the other. What buildings only are part of a house for capital purposes.

LXXXVII. And be it enacted, that if any person shall break and enter any building, and steal therein any chattel, money, or valuable security, such building being within the curtilage of a dwelling-house and occupied therewith, but not being part thereof according to the provision herein-before mentioned, every such offender, being convicted thereof, either upon an indictment for the same offence, or upon an indictment for burglary, house-breaking or stealing to the value of fifty sicca rupees in a dwelling-house, containing a separate count for such offence, shall be liable at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment. Robbery in any building within the same curtilage as the house, but not privileged as part of the house.

LXXXVIII. And be it enacted, that if any person shall break and enter any shop, warehouse, or counting-house, and steal therein any chattel, money, or valuable security, every such offender, being convicted thereof, shall be liable to any of the punishments which the Court may award as herein-before last mentioned. Robbery in a shop, warehouse, &c.

Stealing goods from a vessel in a port, river, or canal.

LXXXIX. And be it enacted, that if any person shall steal any goods or merchandize in any vessel, barge, or boat of any description whatsoever, in any port of entry or discharge, or upon any navigable river or canal, or in any creek belonging to or communicating with any such port or canal, or shall steal any goods or merchandize from any dock, wharf, or quay adjacent to any such port, river, canal, or creek, every such offender, being convicted thereof, shall be liable to any of the punishments which the Court may award as herein-before last-mentioned.

Plundering the tackle or cargo of a wrecked vessel.

XC. And be it enacted, that if any person shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, every such offender, being convicted thereof, shall suffer death as a felon: Provided always, that when articles of small value shall be stranded or cast on shore, and shall be stolen without circumstances of cruelty, outrage, or violence, it shall be lawful to prosecute and punish the offender as for simple larceny. (1)

Proviso.

(1) [See Act of Government of India, No. 31 of 1838, in Appendix.]

Persons in possession of shipwrecked goods not giving a satisfactory account.

XCI. And be it enacted, that if any goods, merchandize, or articles of any kind, belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, shall by virtue of a search warrant, to be granted as herein-after mentioned, be found in the possession of any person, or on the premises of any person with his knowledge, and such person, being carried before a justice of the peace, shall not satisfy the justice that he came lawfully by the same, then the same shall by order of the justice be forthwith delivered over to or for the use of the rightful owner thereof; and the offender, on the conviction of such offence before the justice, shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money, not exceeding two hundred sicca rupees, as to the justice shall seem meet.

Shipwrecked goods offered for sale may be seized.

XCII. And be it enacted, that if any person shall offer or expose for sale any goods, merchandize, or articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any ship or vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, in every such case any person to whom the same shall be offered for sale, or any officer of the Customs or Excise, or peace officer, may lawfully seize the same and shall with all convenient speed carry the same, or give notice of such seizure, to some justice of the peace; and if the person who shall have offered or exposed the same for sale, being duly summoned by such justice, shall not appear and satisfy the justice that he came lawfully by such goods, merchandize, or articles, then the same shall by order of the justice be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the justice) to the person who seized the same; and the offender, on conviction of such offence by the justice, shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money, not exceeding two hundred sicca rupees, as to the justice shall seem meet.

Stealing, &c. of records and other proceedings of Courts of Justice.

XCIII. And be it enacted, that if any person shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, or warrant of at-

torney, or any original document whatever, of or belonging to any Court of Record, or relating to any matter, civil or criminal, begun, depending, or terminated in any such Court, or any bill, answer, interrogatory, deposition, affidavit, order or decree, or any original document whatsoever, of or belonging to any Court of Equity, or relating to any cause or matter begun, depending, or terminated in any such Court: every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and it shall not, in any indictment for such offence, be necessary to allege, that the article in respect of which the offence is committed is the property of any person, or that the same is of any value.

Stealing or destroying of wills.

XCIV. And be it enacted, that if any person shall, either during the life of the testator or testatrix, or after his or her death, steal, or for any fraudulent purpose destroy or conceal any will, codicil, or other testamentary instrument, whether the same shall relate to real or personal estate, or to both, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to any of the punishments which the Court may award as herein-before last mentioned; and it shall not in any indictment for such offence be necessary to allege, that such will, codicil, or other instrument, is the property of any person, or that the same is of any value.

Stealing of writings relating to any real estate.

XCV. And be it enacted, that if any person shall steal any paper or parchment, written or printed, or partly written, and partly printed, being evidence of the title, or of any part of the title to any real estate, every such offender shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be liable to any of the punishments which the Court may award, as herein-before last mentioned; and in any indictment for such offence, it shall be sufficient to allege the things stolen to be evidence of the title, or of part of the title of the person, or of some one of the persons, having a present interest, whether legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof; and it shall not be necessary to allege the thing stolen to be of any value.

Nothing herein as to wills and writings shall lessen any remedy at law or in equity which the aggrieved party now has.

XCVI. Provided always, and be it enacted, that nothing in this Act contained, relating to either of the misdemeanors aforesaid, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall prevent, lessen, or impeach any remedy at law or in equity, which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at law, or suit in equity against him; and no person shall be liable to be convicted of either of the misdemeanors aforesaid, by any evidence whatever, in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act on oath, in consequence of any compulsory process of any Court of law or equity, in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any arty aggrieved.

Stealing dogs, or beasts, or birds, kept in confinement.

XCVII. And be it enacted, that if any person shall steal any dog, or shall steal any beast or bird, ordinarily kept in a state of confinement, not being the subject of larceny at common law, every such offender, being convicted thereof before a justice of the peace, shall for the first offence forfeit and pay, over and above the value of the dog, beast, or bird, such sum of money, not exceeding two hundred sicca rupees, as to the justice shall seem meet; and if any

person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve calendar months, as the convicting justice shall think fit; and if such subsequent conviction shall take place before two Justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Stealing fixtures of any kind from buildings, and metal fixtures from grounds.

XCVIII. And be it enacted, that if any person shall steal or rip, cut, or break with intent to steal, any glass or wood work belonging to any building whatsoever, or any lead, iron, copper, brass or other metal, or any utensil or fixture, whether made of metal or other material, respectively fixed in or to any building whatsoever, or any thing made of metal fixed in any land being private property, or for a fence to any dwelling-house, garden, or area, or in any square, street, or other place dedicated to public use or ornament, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny; and in case of any such thing fixed in any square, street, or other like place, it shall not be necessary to allege the same to be the property of any person.

Clerks and servants stealing from their masters.

XCIX. And be it enacted, that if any clerk or servant shall steal any chattel, money, or valuable security, belonging to or in the possession or power of his master, every such offender, being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding fourteen years, or to be imprisoned for any term not exceeding three years, and if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Clerks and servants receiving any money, &c. on their master's account, and embezzling it.

C. And be it enacted, that if any clerk or servant, or any person employed for the purpose or in the capacity of a clerk or servant, shall by virtue of such employment receive or take into his possession any chattel, money, or valuable security, for or in the name or on the account of his master, and shall fraudulently embezzle the same or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his master, although such chattel, money, or security was not received into the possession of such master otherwise than by the actual possession of his clerk, servant, or other person so employed; and every such offender, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as herein-before last mentioned.

Distinct acts of embezzlement may be charged in the same indictment.

As to allegation and proof of the property embezzled.

CI. And be it enacted, that it shall be lawful to charge in one indictment, and proceed under the same against the offender for any number of distinct acts of embezzlement not exceeding three, which may have been committed by him against the same master within the space of twelve calendar months from the first to the last of such acts; and in every such indictment, except where the offence shall relate to any chattel, it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained, if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved, or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to

him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

CII. And be it enacted, that if any money, or security for the payment of money, shall be entrusted to any banker, merchant, broker, attorney, or other agent, with any direction in writing to apply such money or any part thereof, or the proceeds or any part of the proceeds of such security, for any purpose specified in such direction, and he shall, in violation of good faith, and contrary to the purpose so specified, in anywise convert to his own use or benefit such money, security, or proceeds, or any part thereof respectively, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place beyond the seas as the Court shall direct, for any term not exceeding fourteen years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and if any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund established by authority of Parliament or of the said United Company, or of any foreign state, or in any stock or fund of any body corporate, company, or society, shall be entrusted to any banker, merchant, broker, attorney, or other agent, for safe custody, or for any special purpose, without any authority to sell, negotiate, transfer, or pledge, and he shall, in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney shall have been entrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit, such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney shall relate, or any part thereof, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as herein-before last mentioned.

Agents embezzling money entrusted to them for a special purpose;

or goods or valuable securities.

CIII. Provided always, and be it enacted, that nothing herein-before contained relating to agents shall affect any trustee in or under any instrument whatever, or any mortgagee of any property real or personal, in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker, merchant, broker, attorney, or other agent, from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession upon which he shall have any lien, claim, or demand entitling him by law so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

Not to affect trustees or mortgagees;

nor to restrain bankers &c. from receiving money due on securities;

nor from disposing of securities on which they have a lien.

CIV. And be it enacted, that if any factor or agent entrusted for the purpose of sale with any goods or merchandize, or entrusted with any bill of lading, warehousekeeper's or wharfinger's certificate, or warrant or order for delivery of goods or merchandize, shall, for his own benefit, and in violation of good faith, deposit or pledge any such goods or merchandize, or any of the said documents, as a security for any money or negotiable instrument borrowed or received by such factor or agent at or before the time of making such deposit or pledge, or intended to be thereafter borrowed or received, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding fourteen years, or to suffer other such punishment by fine or imprisonment, or by both, as the Court shall

Factors pledging for their own use goods, or documents relating to goods, entrusted to them for the purpose of sale.

Not to extend to cases where the pledge does not exceed the amount of the lien.

award; but no such factor or agent shall be liable to any prosecution for depositing or pledging any such goods or merchandize, or any of the said documents, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such deposit or pledge was justly due and owing to such factor or agent from his principal, together with the amount of any bill or bills of exchange drawn by or on account of such principal, and accepted by such factor or agent.

Nothing herein, as to agents, &c., to lessen any remedy which the aggrieved party now has.

CV. Provided always, and be it enacted, that nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, against any banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall prevent, lessen, or impeach any remedy, at law or in equity, which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at law or suit in equity against him; and no banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall be liable to be convicted by any evidence whatever, as an offender against this Act, in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act on oath, in consequence of any compulsory process of any Court of law or equity, in any action, suit or proceeding which shall have been *bonâ fide* instituted by any party aggrieved.

Obtaining money, &c. by false pretences, a misdemeanor.

CVI. And be it enacted, that if any person shall by any false pretence obtain from any other person any chattel, money, or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award: provided always, that if upon the trial of any person indicted for a misdemeanor, it shall appear that he obtained the property in any manner amounting to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanor, if the offence be in any other respects substantially proved; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts.

No acquittal on the ground that the case proved amounts to larceny.

Where the original offence is felony, the receivers of stolen property may be tried, either as accessories after the fact, or as substantive felons.

CVII. And be it enacted, that if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, or obtaining whereof shall amount to a felony, either at common law or by virtue of this Act, such person knowing the same to have been feloniously stolen, taken, or obtained, every such receiver shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or as for a substantive felony, whether in the latter case the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding fourteen years, or to be imprisoned for any term not exceeding three years, and if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment: provided always, that no person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

Where the original offence is misdemeanor, receivers may be

CVIII. And be it enacted, that if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, or converting whereof

is made an indictable misdemeanor by this Act, such person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such receiver shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice; and every such receiver shall, on conviction, be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

prosecuted for a misdemeanor, whether the principal be convicted or not.

CIX. And be it enacted, that if any person shall receive any chattel, money, valuable security, or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, every such person, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, may be dealt with, indicted, tried, and punished in any place in which he shall have or shall have had any such property in his possession, or in any place in which the party guilty of the principal felony or misdemeanor may by law be tried, in the same manner as such receiver may be dealt with, indicted, tried, and punished for receiving such property in the place where he actually received the same.

All receivers may be tried where the principal is triable, or where the property is found in their possession, as well as where the receiving takes place.

CX. And be it enacted, that if any person guilty of any felony or misdemeanor as aforesaid, in stealing, taking, obtaining, or converting, or in knowingly receiving, any chattel, money, valuable security, or other property whatsoever, shall be indicted for any such offence by the owner of the property, or by his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and the Court before whom any such person shall be so convicted shall have power to award from time to time writs of restitution for the said property, or to order the restitution thereof in a summary manner: provided always, that if it shall appear, before any award or order made, that any valuable security shall have been *bonâ fide* paid or discharged by some person or body corporate liable to the payment thereof, or being a negotiable instrument, shall have been *bonâ fide* taken or received by transfer or delivery by some person or body corporate for a just and valuable consideration, without any notice, or without any reasonable cause to suspect, that the same had by any felony or misdemeanor been stolen, taken, obtained, or converted as aforesaid, in such case the Court shall not award or order the restitution of such security.

The owner of stolen property, prosecuting thief or receiver to conviction, shall have restitution of his property.

Exception.

CXI. And be it enacted, that if any person shall corruptly take any money or reward, directly or indirectly, under pretence or on account of helping any person to any chattel, money, valuable security, or other property whatsoever, which shall by any felony or misdemeanor have been stolen, taken, obtained, or converted as aforesaid, every such person so taking money or reward (unless he shall cause the offender guilty of the principal felony or misdemeanor to be apprehended and brought to trial for the same) shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Taking a reward for helping to the recovery of stolen property, without bringing the offender to trial.

Advertising a reward for the return of stolen property, &c.

CXII. And be it enacted, that if any person shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing or making any inquiry after the person producing such property, or shall promise or offer in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money by way of loan upon any property stolen or lost, the money so paid or advanced, or any other sum of money or reward for the return of such property, or if any person shall print or publish any such advertisement, in any of the above cases every such person shall forfeit the sum of five hundred sicca rupees for every such offence, to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

Receivers of property where the original offence is punishable summarily, shall be punishable as original offenders.

CXIII. And be it enacted, that where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, on conviction thereof before a justice of the peace, be liable, for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing or taking such property is by this Act made liable.

Setting fire to any church or chapel, or to any house, &c. used for trade, whether in the possession of the offender or not.

CXIV. And be it enacted, that if any person shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon. (1)

(1) [See Act of Government of India, No. 31 of 1838, in Appendix.]

Destroying silk or other goods in the loom, &c., or any machinery belonging to those manufactures, or breaking into any building with intent to destroy the same.

CXV. And be it enacted, that if any person shall unlawfully and maliciously destroy, or damage with intent to destroy or to render useless, any goods or articles in any stage, process or progress of manufacture; or shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any loom, frame, machine, engine, rack, tackle, or implement, whether fixed or movable, prepared for or employed in manufacturing or preparing any such goods or articles; or shall by force enter into any house, shop, building, or place, with intent to commit any of the offences aforesaid; every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Rioters demolishing, &c. any church, chapel, or building used for trade, or machi-

CXVI. And be it enacted, that if any persons, riotously and tumultously assembled together to the disturbance of the public peace, shall unlawfully and with force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy any church or chapel, or

other public place of religious worship whatsoever, or any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, or granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any machinery, whether fixed or movable, prepared for or employed in any manufacture or in any branch thereof, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

nery in any manufactory.

CXVII. And be it enacted, that if any person shall unlawfully and maliciously set fire to or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, or shall unlawfully and maliciously set fire to any goods being on board any ship or vessel as cargo, with intent to burn or destroy such cargo or ship, and with intent thereby to prejudice any owner or part-owner of such ship or vessel, or any owner or part-owner of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon. (1)

Setting fire to or destroying any ship.

(1) [See Act of Government of India, No. 31 of 1838 , in Appendix.]

CXVIII. And be it enacted, that if any person shall unlawfully and maliciously damage, otherwise than by fire, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or to render the same useless, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Damaging any ship otherwise than by fire.

CXIX. And be it enacted, that if any person shall exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same), every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon. (1)

Doing any act tending to the immediate loss of a ship in distress, or destroying the goods or any part of such ship.

(1) [See Act of Government of India, No. 31 of 1838, in Appendix.]

CXX. And be it enacted, that if any person shall unlawfully and maliciously break down or cut down any sea bank or sea wall, or the bank or wall of any river, canal, or marsh, whereby any lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, or otherwise destroy any lock, sluice, flood-gate, or other work on any navigable river or canal, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to

Destroying any sea bank, or the bank of any river or canal, or any lock, floodgate, &c.

be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment; and if any person shall unlawfully and maliciously cut off, draw up, or remove any piles, chalk, or other materials fixed in the ground, and used for securing any sea bank or sea wall, or the bank or wall of any river, canal, or marsh, or shall unlawfully and maliciously open or draw up any floodgate, or do any other injury or mischief to any navigable river or canal, with intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the navigation thereof, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Cutting or removing the piles, &c. of any sea bank, or bank of a river, or canal, or doing any damage with intent to obstruct any such navigation.

Breaking down the dam of a fishery.

CXXI. And be it enacted, that if any person shall unlawfully and maliciously break down or otherwise destroy the dam of any fish-pond, or of any water which shall be private property, or in which there shall be any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish therein, every such offender, being convicted thereof before a justice of the peace, shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding fifty sicca rupees, as to the justice shall seem meet.

Killing or maiming cattle.

CXXII. And be it enacted, that if any person shall unlawfully and maliciously kill, maim, or wound any cattle or beast of burthen, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Setting fire to crops, or stacks of corn, grain, &c., or to any plantation, &c.

CXXIII. And be it enacted, that if any person shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain, pulse, sugar cane, straw, hay or wood, or to any crop of rice, corn, or other grain, or pulse, or sugar cane, whether standing or cut down, or to any part of a wood, coppice, or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment. (1)

(1) [See Act of Government of India, No. 31 of 1838, in Appendix.]

Malice against the owner of the property not essential to the offence.

CXXIV. And be it enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

CXXV. And be it enacted, that all Acts and parts of Acts which by an Act passed in the seventh and eighth years of the reign of his present Majesty, intituled "An Act for repealing various Statutes in England relative to Benefit of Clergy, and to Larceny and other Offences connected therewith, and to malicious Injuries to Property, and to Remedies against the Hundred;" or by an Act passed in the present Session of Parliament, intituled, "An Act for consolidating and amending the Statutes in England relative to Offences against the Person;" are, as to that part of the United Kingdom called England, and as to offences committed within the jurisdiction of the Admiralty of England, repealed, except as therein mentioned, shall, from and after the said first day of March one thousand eight hundred and twenty-nine, as to all persons, matters, and things over whom or which the jurisdiction of any of his Majesty's courts of justice erected within the British dominions under the government of the said United Company extends, be repealed, except so far as any of the said Acts may repeal the whole or any part of any other Acts, and except as to offences and other matters committed or done before or upon the day of this Act taking effect, which shall be dealt with and punished as if this Act had not been passed.

All Acts, &c. repealed by 7 & 8 G. 4, c. 27, and 9 G. 4, c. 31, as to England, shall be repealed in like manner within the jurisdiction of the Courts of Justice in India.

CXXVI. And be it enacted, that so much of an Act passed in the thirty-ninth and fortieth years of the reign of his late Majesty King George the Third, intituled "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," as relates to the transportation of offenders; and so much of an Act passed in the fifty-third year of the same reign, intituled "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," as relates to the stealing or taking by robbery of securities for payment of money, to the falsely making, forging, counterfeiting, or altering, or to uttering, publishing, selling, offering, disposing of, or putting away, knowing the same to be false, forged, or counterfeited, any writings, licences, certificates, or attested copies thereof, or to counterfeiting coin, or to uttering, tendering in payment, selling, giving in exchange, paying, putting off, or having in possession, forged or counterfeit coin; and so much of an Act passed in the fourth year of the reign of his present Majesty, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced Rate of Postage," as requires that the oaths to be taken by members of general or other courts-martial, or courts of requests composed of military officers, shall be taken upon the Holy Evangelists; shall, from and after the day of this Act taking effect, in like manner and with the like exceptions, be and the same is hereby repealed.

39 & 40 G. 3, c. 79,

53 G. 3, c. 155,

and 4 G. 4, c. 81, in part repealed.

CXXVII. And be it enacted, that all persons, whether British subjects or others, employed by or in the service of his Majesty, shall be held subject and amenable to the criminal jurisdiction of his Majesty's courts of justice, erected or to be erected within the British territories under the government of the said India Company, for all crimes and offences to be by them committed on or from and after the first day of March one thousand eight hundred and twenty-nine, in the same manner as persons employed by or in the service of the said United Company are now by law subject and amenable to the said jurisdiction.

All persons employed by his Majesty shall be amenable to Courts in India, as persons employed by the Company are.

10 GEORGII IV. Cap. VII.

An Act *for the Relief of his Majesty's Roman Catholic Subjects.* [13*th April,* 1829.]

Such members of Corporations not to vote in ecclesiastical appointments.

XV. Provided nevertheless, and be it further enacted, that nothing herein contained shall extend to authorize or empower any of his Majesty's subjects professing the Roman Catholic religion, and being a member of any lay body corporate, to give any vote at, or in any manner to join in the election, presentation, or appointment of any person to any ecclesiastical benefice whatsoever, or any office or place belonging to or connected with the united church of England and Ireland, or the church of Scotland, being in the gift, patronage, or disposal of such lay corporate body.

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10 GEORGII IV. Cap XVI.

An Act *to continue the Operation of an Act of the Seventh Year of His present Majesty, for suspending the Provisions of an Act of His late Majesty respecting the Appointment of Writers in the Service of the East-India Company; and to amend the provisions of an Act of the Forty-seventh Year of His late Majesty, so far as they relate to the Period of Residence at Hertford College as a Qualification for certain Offices.* [14*th May,* 1829.]

The first section of this Act continued the operation of the Act 7 Geo. 4, cap. 56, so far as it related to the appointment of writers not having passed through the College, and to the establishment of rules for securing the requisite qualifications, until the 10th of April, 1834, beyond which period it was not extended by any subsequent law.

All the time not exceeding two years, spent in the College in the course of education after seventeen years of age, shall be accounted as so much time spent in India, in certain cases.

II. And whereas, by virtue of an Act passed in the forty-seventh year of the reign of his said late Majesty, all such time as shall be *bonâ fide* spent in the College established in England by the East-India Company for the education of their civil servants, by any persons after they shall respectively have attained the age of seventeen years, is accounted, as to certain offices, places, and employments which such persons are entitled to hold in India, as so much time actually spent in India, provided that such persons shall either before or after seventeen years of age spend two years at the least in the said College: and whereas it is expedient that the privileges so granted should, under certain circumstances, be extended to young men who may have spent less time than two years in the regular course of education at the said College; be it therefore enacted, that all such time, not exceeding two years, as shall have been or shall be *bonâ fide* spent in the said College in the regular course of such

education as aforesaid by any persons after they shall respectively have attained the age of seventeen years, who shall have proceeded or shall hereafter proceed to India in the civil service of the said Company, shall be accounted, as to all offices, places, and employments, to which such persons are entitled to be appointed and to hold, the salary, perquisites, and emoluments whereof shall not exceed the sum of one thousand five hundred pounds per annum, as so much time actually spent in India, any law or usage to the contrary thereof in anywise notwithstanding.

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10 GEORGII IV. Cap. LXII.

An Act *to exclude Persons accepting Offices in the East-Indies from being Members of the House of Commons.* [24*th June*, 1829.]

Whereas by an Act passed in the sixth year of the reign of Queen Anne, intituled, "An Act for the security of her Majesty's person and Government and of the Succession to the Crown of Great Britain in the Protestant Line," it is amongst other things enacted, that no person who should be a governor or deputy-governor of any of the plantations should be capable of being elected, or of sitting or voting as a member of the House of Commons: and whereas doubts have been entertained how far the provisions of the said Act extend to persons holding the office of governor-general, or of governor of any of the settlements or presidencies under the authority of the East-India Company; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that no person who shall be hereafter appointed governor or deputy-governor of any of the settlements, presidencies, territories, or plantations of the said East-India Company, shall be capable of being elected, or of sitting or voting as a member of the House of Commons while he shall continue to hold such office.

6 Anne, c. 7.

No person appointed Governor, &c. in India, shall be capable of sitting in the House of Commons.

II. And be it further enacted, that if any person hereby declared to be incapable to sit or vote as a member of the House of Commons, shall nevertheless be returned as a member to serve in Parliament, such election and return are hereby enacted and declared to be void; and if any person declared by this Act incapable of being elected shall sit or vote as a member of the House of Commons, such person so sitting or voting shall forfeit the sum of five hundred pounds to such person or persons who shall sue for the same in any of his Majesty's Courts at Westminster; and the money so forfeited shall be recovered by the person so suing, with full costs of suit, in any of the said Courts, by action of debt, bill, plaint or information, in which no essoign, privilege, protection, or wager of law, or more than one imparlance, shall be allowed.

Election of such persons declared void.

Penalty on persons so sitting or voting.

11 GEORGII IV. and 1 GULIELMI IV. Cap. XX.

An Act *to amend and consolidate the Laws relating to the Pay of the Royal Navy.* [29*th May*, 1830.]

Provision for seamen left abroad in distress.

LXXXII. And whereas by the said Act of the thirty-first year of King George the Second, and the said first-mentioned Act of the thirty-second year of King George the Third, hereby repealed, certain provisions were established for the care and maintenance of British seamen who, by shipwreck, capture, or otherwise, might be left in distress in foreign parts; and it is expedient that other provisions should be substituted for the due care and subsistence of seafaring persons thus circumstanced; be it therefore enacted, that the governors, ministers, consuls, and other officers of his Majesty in foreign parts, and in places where there shall be no such, then any two British merchants there residing, shall, and they are hereby authorized, directed, and required to send for and provide for all such seafaring men and boys, being subjects of the United Kingdom, who shall by shipwreck, or by any other means, or from any cause whatever, be driven to or cast away, or left or be in distress at any such foreign parts or places, or who shall have been discharged from any of his Majesty's ships, and they and every of them are hereby required to provide for and subsist all such seafaring men and boys, and for so doing they shall be allowed so much per day as hath been or shall be in this respect authorized by the Lord High Admiral or the Commissioners for executing the office of lord high admiral aforesaid, for the amount of which disbursements they shall send bills together with proper vouchers to the Commissioners of the Navy, in order that, after due examination of such vouchers, payment of the amount thereof may be made to them; and the said governors, ministers consuls, other officers, and merchants shall cause such men and boys to be put or sent on board the first or any ship or vessel belonging to any subjects of his Majesty which shall be bound from thence or from the neighbourhood to any part of the United Kingdom, and shall be in want of men to make up their complement; and if there shall be no such ship in want of men within a convenient time, then they shall provide and order a passage home for such seafaring men and boys in the first ship or vessel of his Majesty's subjects bound to any part of the said United Kingdom; and every master or other person having the charge of any such ship or vessel shall and he is hereby required to receive and afford a passage, and subsistence during the voyage, to all such seafaring men and boys as shall be so sent on board his ship, not exceeding four for every one hundred tons of his ship's burthen; and every such master, on the production to the Commissioners of the Navy of a certificate under the hands of any such governors, ministers, consuls, other officers, or merchants, specifying the number and names of the men and boys, and the time when they were so received on board, and upon making oath as to the number of days they were subsisted, and that he did not during that period want of his own complement of men, or if he did want any, then the number he so wanted of his complement, and for what time he shall be entitled to receive from the said Commissioners an allowance in respect of the subsistence and passage of each such man and boy (exceeding the number so wanting of his complement), according to such rate per day as in that behalf hath been or shall be authorized by the said Lord High Admiral or the Commissioners for executing the office of lord high admiral aforesaid; and in case any master or other person having charge of any such ship shall neglect or refuse to receive on board his ship, and to subsist and give a passage to any such seafaring

man or boy, in breach of this enactment, every person so offending shall be liable to a penalty of one hundred pounds for each man or boy he shall so neglect or refuse to receive, subsist, or give a passage to, which penalty shall and may be recovered by information at the suit of his Majesty's Attorney-general in his Majesty's Court of King's Bench or Exchequer at Westminster, and that in such information the offence or offences shall and may be alleged to have been committed at Westminster in the county of Middlesex; and the Court in which any such information shall be prosecuted shall be and is hereby authorized to issue a commission or commissions for the examination of witnesses abroad, the depositions taken under which shall be received in evidence on the trial of such information.

XCIV. And be it further enacted, that the Lord High Admiral or the Commissioners for executing the office of lord high admiral for the time being shall cause measures to be taken for providing the several forms of books, bills, certificates, tickets, and other documents authorized or required by this Act; and if any case not herein provided for shall arise, it shall be lawful for the Lord High Admiral or the said Commissioners to make such order thereupon as shall be deemed most conducive to the interests of the public service and of the individuals engaged therein, and for carrying the intentions of this Act into effect; and they shall also cause an abstract of the provisions and regulations herein contained to be made and printed, and a competent number of copies thereof to be furnished to the treasurer of the navy, principal officers and Commissioners of his Majesty's Navy at home and abroad, to the Commissioners of Customs and Excise in the United Kingdom respectively, to the governors of his Majesty's colonies and of the settlements within the Charter of the East-India Company, to his Majesty's consuls abroad, to the registrars and deputy registrars of the Prerogative Court of Canterbury, to the governors and agents of naval hospitals and sick quarters, and to the commanding officers of the several divisions of Royal Marines, who are hereby strictly required to cause the same to be affixed on some conspicuous part of their respective offices, and to promulgate the same in their respective departments; and a competent number of copies of such abstract shall also be supplied to the captains and commanding officers of all his Majesty's ships, each of whom is hereby enjoined, so soon as the ship which he shall be appointed to command shall be put into sea pay, to cause one of such abstracts, together with the Articles of War, to be hung up in or affixed to the most public place in the ship, and shall cause the same to be constantly kept up and renewed, so that it may be at all times accessible to the whole of the crew, and he shall also cause such abstract to be distinctly and audibly read over once in every month in the presence of the ship's company, immediately after the Articles of War are read; and the Commissioners of the Navy are hereby enjoined to inquire whether such abstract and the said Articles of War have been duly hung up and read as directed, and not to grant to any captain or commanding officer his general certificate until they shall be fully satisfied thereof, to the end that every person serving on board his Majesty's ships may at one and the same time hear and know the forfeitures and punishment he is liable to for neglect or disobedience, and likewise the advantages and benefits to which he is entitled by a due and faithful performance of his duty, and that if he shall suffer any oppression or injury in his Majesty's service, he may be the better enabled to lay his complaint before the Lord High Admiral or the Commissioners for executing the office of lord high admiral of the United Kingdom, who are hereby required, on any complaint made to them, to cause strict inquiry to be made into the circumstances, and if the complaint shall appear to them to be well-founded, to grant relief forthwith.

The Admiralty to cause the Act to be executed.

11 GEORGII IV. & 1 GULIELMI IV. Cap. LX.

An Act *for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees; and for enabling Courts of Equity to give Effect to their Decrees and Orders in certain Cases.* [23*d July*, 1830.]

6 G. 4, c. 74. Whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for consolidating and amending the Laws relating to Conveyances and Transfers of Estates and Funds vested in Trustees who are Infants, Idiots, Lunatics, or Trustees of unsound Mind, or who cannot be compelled or refuse to act; and also the Laws relating to Stocks and Securities belonging to Infants, Idiots, Lunatics, and Persons of unsound Mind:" and whereas an Act was passed in the 2 G. 1, (I.) Parliament of Ireland in the second year of the reign of King George the First, intituled, "An Act to enable Infants who are seised or possessed of Estates in Fee, in Trust or by way of Mortgage, to make conveyances of such Estates:" and whereas an Act was passed in the 5 G. 2. (I.) Parliament of Ireland in the fifth year of the reign of King George the Second, intituled, "An Act to enable Idiots and Lunatics who are seised or possessed of Estates in Fee or for Lives or Terms of Years, in Trust or by way of Mortgage, to make Conveyances, Surrenders, or Assignments of Estates; and to prevent Delay in Suits in Equity where Trustees are not 7 G. 4, c. 43. found:" and whereas an Act was passed in the seventh year of the reign of his late Majesty King George the Fourth, intituled, "An Act to amend the Laws in force in Ireland relating to Conveyances and Transfers of Estates and Funds vested in Trustees:" and whereas it is expedient that the provisions of the said Acts should be consolidated and enlarged; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said recited Acts shall be and the same are hereby repealed, except so far as the same relate to stock belonging beneficially to infants or lunatics, and also except as to such proceedings of any description, under the same Acts respectively, as shall have been commenced before the passing of this Act, and which may be proceeded in according to the provisions of the said recited Acts respectively, or according to the provisions of this Act, as shall be thought expedient: provided always, that the several Acts repealed by the said first recited Act shall not be revived.

Recited Acts repealed, except as herein mentioned.

Rules for the interpretation of this Act.

II. And inasmuch as, in order to avoid unnecessary repetition, certain words are used in this Act, as describing subjects some of which, according to their usual sense, such words would not embrace; for the understanding of the sense attached to them in this Act, be it further enacted, that the provisions of this Act shall extend to and include the several other estates and persons, matters and things, herein-after mentioned: (that is to say), those relating to land, to any manor, messuage, tenement, hereditament, or real property, of whatever tenure, and to property of every description tranferable otherwise than in books kept by any company or society, or any share thereof or interest therein; those relating to stock, to any fund, annuity, or security transferable in books kept by any company or society esta-

lished or to be established, or to any money payable for the discharge or redemption thereof, or any share or interest therein; those relating to dividends, or to interest or other annual produce; those relating to a conveyance, to any fine, recovery, release, surrender, assignment, or other assurance, including all acts, deeds, and things necessary for making and perfecting the same; those relating to a transfer, to any assignment, payment, or other disposition; those relating to a lunatic, to any idiot or person of unsound mind or incapable of managing his affairs; those relating to an heir, to any devisee or other real representative by the common law or by custom or otherwise; and those relating to an executor, to any administrator or other personal representative; unless there be something in the subject or context repugnant to such construction; and whenever this Act, in describing or referring to any trustee or other person, or any trust land, conveyance, matter, or thing, uses the word importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and several trust lands, stocks, conveyances, matters, or things respectively, as well as one trust land, stock, conveyance, matter or thing respectively, unless there be something in the subject or context repugnant to such construction.

Lord Chancellor may direct the Committee or other person to transfer stocks or funds standing in the name of a lunatic trustee, and receive the dividends.

IV. And be it further enacted, that where any stock shall be standing in the name of any person who shall be a lunatic, as a trustee or executor, alone or jointly with any other person, or shall continue to be standing in the name of a deceased person whose executor shall be lunatic, or shall be otherwise vested in or transferable by any person who shall be lunatic, for the benefit of some other person, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to direct the committee of the estate of any such lunatic to transfer or join in transferring such stock to or into the name of such person and in such manner as the said Lord Chancellor shall think proper, and also to order such person appointed as aforesaid to receive and pay over or join in receiving and paying over the dividends of such stock in such manner as the said Lord Chancellor shall direct; and every such transfer, receipt and payment, shall be as effectual as if the person being lunatic had been of sane mind, memory, and understanding, and had transferred, received, and paid, or joined in transferring, receiving, and paying, such stock or dividends.

Lord Chancellor, before inquisition, may appoint a person to convey or transfer.

V. And be it further enacted, that where any such person as aforesaid being lunatic shall not have been found such by inquisition, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to direct any person whom the said Lord Chancellor may think proper to appoint for that purpose, in the place of such last-mentioned lunatic, to convey or join in conveying such land, or to transfer or join in transferring such stock, and to receive and pay over the dividends thereof, as herein-before is mentioned; and every such conveyance, transfer, receipt, or payment shall be as effectual as if the said person being lunatic had been of sane mind, memory, and understanding, and had made, done or executed the same; but where any sum of money shall be payable to such lunatic, no such last-mentioned order shall be made if such sum of money shall exceed seven hundred pounds; and where any sum not exceeding seven hundred pounds shall be payable to such lunatic, and any such order shall be made, the Lord Chancellor, intrusted as aforesaid, shall direct to whom and in what manner the money so payable shall be paid; and every payment made in pursuant of such direction shall effectually discharge the person paying the same from the money which he shall so pay.

Transfer of stocks or funds.

X. And be it further enacted, that where any person in whose name as a trustee or executor (either alone or together with the name of any other person,) or in the name of whose testator (whether as a trustee or beneficially,) any stock shall be standing, or any other person who shall otherwise have power to transfer or join with any other person in transferring any stock to which some other person shall be beneficially entitled, shall be out of the jurisdiction of or not amenable to the process of the Court of Chancery, or it shall be uncertain whether such person be living or dead; or if any such trustee or executor or other person shall neglect or refuse to transfer such stock, or receive and pay over the dividends thereof to the person entitled thereto or to any part thereof respectively, or as he shall direct, for the space of thirty-one days next after a request in writing for that purpose shall have been made to any such trustee or executor or other person by the person entitled as aforesaid, then and in every or any such case it shall be lawful for the Court of Chancery to direct such person as the said Court shall think proper to appoint for that purpose, in the place of such trustee or executor or other person, to transfer or join in transferring such stock to or into the name of such person and in such manner as such Court shall direct, and also to order any person appointed as aforesaid to receive and pay over or join in receiving and paying over the dividends of such stock in such manner as the said Court shall direct; and every such transfer, receipt, and payment shall be as effectual as if the said trustee or executor or other person had transferred or joined in transferring such stock, or had received and paid or joined in receiving and paying the said dividends.

In certain cases the Lord Chancellor or Court of Chancery may appoint new trustees, upon petition.

XXII. And whereas cases may occur, upon applications by petition under this Act for a conveyance or transfer, where the recent creation or declaration of the trust or other circumstances may render it safe and expedient for the Lord Chancellor, entrusted as aforesaid, or the Court of Chancery (as the case may require), to direct, by an order upon such petition, a conveyance or transfer to be made to a new trustee or trustees, without compelling the parties seeking such appointment to file a bill for that purpose, although there is no power in any deed or instrument creating or declaring the trusts of such land or stock to appoint new trustees; be it therefore further enacted, that in any such case it shall be lawful for the Lord Chancellor, entrusted as aforesaid, or the said Court of Chancery, to appoint any person to be a new trustee, by an order to be made on a petition to be presented for a conveyance or transfer under this Act, after hearing all such parties as the said Court shall think necessary; and thereupon a conveyance or transfer shall and may be made and executed, according to the provisions hereinbefore contained, to or so as to vest such land or stock in such new trustee, either alone or jointly with any surviving or continuing trustee, as effectually and in the same manner as if such new trustee had been appointed under a power in any instrument creating or declaring the trusts of such land or stock, or in a suit regularly instituted.

Powers given to the Lord Chancellor of Great Britain.

XXVI. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, entrusted as aforesaid, shall extend to all land and stock within any of the dominions, plantations, and colonies belonging to his Majesty (except Scotland and Ireland).

Powers given to the Lord Chancellor to extend to the Lord Keeper and Commissioners.

XXVIII. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall and may be exercised in like manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal

of Great Britain for the time being, intrusted as aforesaid; and the powers and authorities given by this Act to the Lord Chancellor of Ireland, intrusted as aforesaid, shall and may be exercised in like manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of Ireland for the time being, entrusted as aforesaid.

XXIX. And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery in England shall extend to all land and stock within any of the dominions, plantations, and colonies belonging to his Majesty (except Scotland).

Powers given to the Court of Chancery in England;

XXX. And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery, and the provisions contained in this Act relating to the said Court, shall and may be exercised in like manner by and are hereby given and extended to the Court of Exchequer.

which may be exercised by the Court of Exchequer.

XXXII. Provided always, and be it further enacted, that in all cases in which orders shall be made, in pursuance of this Act, for the transfer of stock, the person to be named in such order for making such transfer shall either be the committee of the estate of the person being lunatic in whose place such transfer shall be made, or a co-trustee or co-executor of the person in whose place such person shall be directed to transfer, or some officer of the company or society in whose books the same respectively shall be directed to be made; and where such transfer shall be directed to be made in books kept by the Governor and Company of the Bank of England, such officer shall be the secretary or deputy-secretary or accountant-general for the time being of the said Governor and Company, or his deputy.

Who shall be named in the orders of the Court for making transfers.

XXXIII. And be it further enacted, that this Act shall be and is hereby declared to be a full and complete indemnity and discharge to the Governor and Company of the Bank of England, and to all other companies and societies, and their officers and servants, for all acts and things done or permitted to be done pursuant thereto, and that such acts and things shall not be questioned or impeached in any court of law or equity to their prejudice or detriment.

Act to be an indemnity to the Bank and other Companies.

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11 GEORGII IV. & 1 GULIELMI IV. Cap. LXV.

An Act *for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Idiots, Lunatics, and Persons of unsound Mind.*

[23*d July*, 1830.]

Whereas an Act was passed in the ninth year of the reign of King George the First, intituled, "An Act to enable Lords of Manors more easily to recover their Fines, and to exempt Infants and Femes Covert from Forfeitures of their Copyhold Estates in particular Cases;" and whereas an Act was passed in the twenty-ninth year of the reign of King George the Second, intituled, "An Act to enable Infants, Lunatics, and Femes Covert to Surrender Leases, in order to renew the same:" and whereas an Act was passed in the

9 G. 1, c. 29.

29 G. 2, c. 31.

11 G. 3, c. 20. eleventh year of King George the Third, intituled, "An Act to enable Lunatics entitled to renew Leases, their Guardians and Committees to accept of Surrenders of old Leases, and grant new ones:" and whereas an Act was passed in the Parliament of Ireland in the eleventh year of the reign of Queen Anne, intituled, "An Act to enable Guardians and others to renew Leases for Lives:" and whereas an Act was passed in the forty-third year of the reign of King George the Third, intituled, "An Act to authorize the Sale or Mortgage of the Estates of Persons found lunatic by inquisition in England or Ireland respectively, and the granting of Leases of the same:" and whereas an Act was passed in the forty-seventh year of the reign of King George the Third, intituled, "An Act concerning Common Recoveries suffered in Copyhold or Customary Courts by Attorney:" and whereas an Act was passed in the fifty-ninth year of the reign of King George the Third, intituled, "An Act concerning Common Recoveries to be suffered by Attorney in Courts of Ancient Demesne, and to explain an Act of his present Majesty relative to the Sale or Mortgaging of Estates of Lunatics:" and whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for consolidating and amending the Laws relating to Conveyances and Transfers of Estates and Funds vested in Trustees who are Infants, Idiots, Lunatics, or Trustees of unsound Mind, or who cannot be compelled or refuse to act; and also the Laws relating to Stocks and Securities belonging to Infants, Idiots, Lunatics, and Persons of unsound Mind:" and whereas an Act was passed in the ninth year of the reign of his said late Majesty, intituled, "An Act for extending the Acts passed in the forty-third and fifty-ninth years of the reign of his late Majesty King George the Third, for the Sale and Mortgage of Estates of Persons found Lunatics by Inquisition taken in England and Ireland, so as to authorize such Sale and Mortgage for other Purposes; and for rendering Inquisitions or Commissions of Lunacy taken in England available in Ireland, and like Inquisitions taken in Ireland available in England:" and whereas it is expedient the provisions of the said Acts should be consolidated and amended; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said recited Acts of the eleventh year of the reign of Queen Anne, the ninth year of the reign of King George the First, the twenty-ninth year of the reign of King George the Second, the eleventh, forty-third, forty-seventh, and fifty-ninth years of the reign of King George the Third, and the ninth year of the reign of his late Majesty King George the Fourth, and also the said recited Act of the sixth year of the reign of his present Majesty, so far as the said last-mentioned Act relates to stocks, funds, annuities, and securities belonging beneficially to persons being infants, idiots, lunatics, or of unsound mind, shall be and the same are hereby repealed (except as to such proceedings under the same as shall have been commenced before the passing of this Act, and which may be proceeded in according to the provisions of the said recited Acts respectively, or according to the provisions of this Act, as shall be thought expedient): provided always, that the several Acts repealed by the said last-recited Act shall not be revived.

(Margin notes: 11 Ann. (I.) c. 3. — 43 G. 3, c. 75. — 47 G. 3, c. 8, s. 2. — 59 G. 3, c. 80. — 6 G. 4, c. 74. — 9 G. 4, c. 78. — Recited Acts of 11 Ann.; 9 G. 1; 29 G. 2; 11, 43, 47, and 59 G. 3; 9 G. 4, and so much of 6 W. 4 as relates to funds belonging to infants, &c. repealed.)

Rules for the interpretation of this Act.

II. And inasmuch as, in order to avoid unnecessary repetition, certain words are used in this Act as describing subjects, some of which, according to their usual sense, such words would not embrace; for the understanding of the sense attached to them in this Act, be it further enacted, that the provisions of this Act shall extend and be understood to extend to and include the several other estates, persons, matters, and things herein-after mentioned; (that is to say), those relating to land, to any manor, messuage, tenement, hereditament, or

real property of whatsoever tenure, and to property of every description transferable otherwise than in books kept by any company or society, or any share thereof or charge thereon, or estate or interest therein : those relating to stock, to any fund, annuity, or security transferable in books kept by any company or society, or to any money payable for the discharge or redemption thereof, or any share or interest therein; those relating to dividends, to interest or other annual produce; those relating to the Bank of England, to the East-India Company, South-Sea Company, or any other company or society established or to be established; those relating to a conveyance, to any release, surrender, assignment, or other assurance, including all acts, deeds, and things necessary for making and perfecting the same: those relating to a transfer, to any assignment, payment or other disposition; and those relating to a lunatic, to any idiot or person of unsound mind or incapable of managing his affairs; unless there be something in the subject or context repugnant to such construction; and whenever this Act, in describing or referring to any person, or any land, stock, conveyance, lease, recovery, matter or thing, uses the word importing the singular number, or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and several lands, stocks, conveyances, leases, recoveries, matters, or things, as well as one land, stock, conveyance, lease, recovery, matter, or thing respectively, unless there be something in the subject or context repugnant to such construction.

Court of Chancery or Exchequer may order dividends of stock belonging to infants to be applied for maintenance.

XXXII. And be it further enacted, that it shall be lawful for the Court of Chancery, by an order to be made on the petition of the guardian of any infant in whose name any stock shall be standing, or any sum of money, by virtue of any Act for paying off any stock, and who shall be beneficially entitled thereto, or if there shall be no guardian, by an order to be made in any cause depending in the said Court, to direct all or any part of the dividends due, or to become due in respect of such stocks, or any such sum of money, to be paid to any guardian of such infant, or to any other person, according to the discretion of such Court, for the maintenance and education, or otherwise for the benefit of such infant, such guardian or other person to whom such payment shall be directed to be made, being named in the order directing such payment; and the receipt of such guardian or other person for such dividends or sum of money, or any part thereof, shall be as effectual as if such infant had attained the age of twenty-one years, and had signed and given the same.

Stock belonging to lunatics may be ordered by the Lord Chancellor to be transferred.

XXXIII. And be it further enacted, that where any stock shall be standing in the name of, or shall be vested in any person being lunatic, who shall be beneficially entitled thereto, or shall be standing in the name of, or vested in any person being committee of the estate of a person found lunatic, in trust for or as part of his property, and such committee shall have died intestate, or shall himself become lunatic, or shall be out of the jurisdiction of, or not amenable to, the process of the Court of Chancery, or it shall be uncertain whether such committee be living or dead, or such committee shall neglect or refuse to transfer such stock, and to receive and pay over the dividends thereof to a new committee, or as he shall direct, for the space of fourteen days next after a request in writing for that purpose shall have been made by any new committee, then and in every or any such case it shall be lawful for the Lord Chancellor intrusted as aforesaid, upon the petition of the committee of the estates of the person being lunatic, or of the person reported by the master to whom the matter is referred as a proper person to be such committee, although such report shall not have been confirmed, to direct such person as such Lord Chancellor shall think proper to appoint for that purpose to transfer such stock to or into the name of any new committee, or in the name of the Ac-

countant-general of the said Court, or otherwise, and also to receive and pay over the dividends thereof, or such sum or sums of money, in such manner as such Lord Chancellor shall think proper; and such transfers and payments shall be valid and effectual to all intents and purposes whatsoever.

Where stock shall be standing in the names of lunatics residing out of England the Lord Chancellor may direct the transfer.

XXXIV. And be it further enacted, that where any stock shall be standing in the name of, or vested in any person residing out of England, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, upon petition, and proof being made to his or their satisfaction, that such person has been declared lunatic, and that his personal estate has been vested in a curator, or other person appointed for the management thereof, according to the laws of the place where such person shall reside, to direct any person whom such Lord Chancellor shall think proper to appoint for that purpose, to transfer such stock, or any part or parts thereof, into the name of any such curator, or other such person as aforesaid, or otherwise, and also to receive and pay over the dividends thereof, as such Lord Chancellor shall think fit; and that such transfers and payments shall be valid and effectual to all intents and purposes whatsoever.

Powers given to the Court of Chancery in England;

XXXVI. And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery in England, shall extend to all land and stock within any of the dominions, plantations, and colonies belonging to his Majesty (except Scotland).

which may be exercised by the Court of Exchequer.

XXXVII. And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery, shall and may be exercised in like manner by, and are hereby given to, the Court of Exchequer.

Power to the Lord Chancellor of Great Britain.

XXXIX. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall extend to all land and stock wheresoever, within any of the dominions, plantations, and colonies belonging to his Majesty (except Scotland and Ireland).

Powers given to the Lord Chancellor to extend to the Lord Keeper and Commissioners.

XLII. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall and may be exercised in like manner by, and are hereby given to, the Lord Keeper or Commissioners of the great seal of Great Britain for the time being, intrusted as aforesaid; and the powers and authorities given by this Act to the Lord Chancellor of Ireland, intrusted as aforesaid, shall and may be exercised in like manner by, and are hereby given to, the Lord Keeper or Commissioners of the great seal of Ireland for the time being, intrusted as aforesaid.

Who shall be named in the orders of the Court for making transfers.

XLIII. Provided always, and be it further enacted, that in all cases in which orders shall be made in pursuance of this Act for the transfer of stock, the person to be named in such order for making such transfer, shall be some officer of such company or society in whose books such transfer shall be made; and where such transfer shall be directed to be made in books kept by the Governor and Company of the Bank of England, such officer shall be the Secretary or Deputy-Secretary, or Accountant-general or Deputy Accountant-general, for the time being of the said Governor and Company.

Act to be an indemnity to the Bank and other companies.

XLIV. And be it further enacted, that this Act shall be and is hereby declared to be a full and complete indemnity and discharge to the Governor and Company of the Bank of

England, and all other companies and societies, and their officers and servants, for all acts and things done or permitted to be done pursuant thereto; and that such acts and things shall not be questioned or impeached in any Court of Law or Equity to their prejudice or detriment.

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11 GEORGII IV. & 1 GULIELMI IV. Cap. LXVI.

An Act *for reducing into One Act all such Forgeries as shall henceforth be punished with Death, and for otherwise amending the Laws relative to Forgery.*
[23*d July*, 1830.]

The first six sections of this Act are either inapplicable to any transactions connected with the East-India Company, or have been repealed by later enactments.

Personating the owner of any public stock or certain other stock, and endeavouring to transfer or to receive the dividends, transportation for life, &c.

VII. And be it enacted, that if any person shall falsely and deceitfully personate any owner of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferable at the Bank of England, or at the South-Sea House, or any owner of any share or interest of or in the capital stock of any body corporate, company, or society which now is or hereafter may be established by Charter or Act of Parliament, or any owner of any dividend payable in respect of any such share or interest as aforesaid, and shall thereby endeavour to transfer any share or interest belonging to any such owner, or thereby endeavour to receive any money due to any such owner as if such offender were the true and lawful owner, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life or for any term not less than seven years, or to be imprisoned for any term not exceeding four years nor less than two years.

Forging the attestation to any power of attorney for transfer of stock, &c., transportation for seven years, &c.

VIII. And be it enacted, that if any person shall forge the name or hand-writing of any person as or purporting to be a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock as is herein-before mentioned, or to receive any dividend payable in respect of any such share or interest, or shall utter any such power of attorney or other authority, with the name or hand-writing of any person forged thereon as an attesting witness, knowing the same to be forged, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years nor less than one year.

Forging a deed, bond, receipt for money or goods, or an accountable receipt, or an order for delivery of goods, transportation for life, &c.

X. And be it enacted, that if any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any deed, bond, or writing obligatory, or any court-roll or copy of any court-roll relating to any copyhold or customary estate, or any acquittance or receipt either for money or goods, or any accountable receipt either for money or goods, or for any note, bill, or other security for payment of money, or any war-

rant, order, or request for the delivery or transfer of goods, or for the delivery of any note, bill, or other security for payment of money, with intent to defraud any person whatsoever, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life or for any term not less than seven years, or to be imprisoned for any term not exceeding four years or less than two years.

As to principals in the second degree and accessories.

XXV. And be it enacted, that in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death (1) or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall on conviction, be liable to be imprisoned for any term not exceeding two years.

(1) [Punishment of death abolished by 7 Wm. 4 & 1 Vic. cap. 84.]

The Court may order hard labour or solitary confinement for offences against this Act.

XXVI. And be it enacted, that where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, with or without hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, as to the Court in its discretion shall seem meet.

As to offences committed at sea.

XXVII. And be it enacted, that where any offence punishable under this Act shall be committed within the jurisdiction of the Admiralty, the same shall be dealt with, inquired of, tried, and determined in the same manner as any other offence committed within that jurisdiction.

Rule of interpretation as to criminal possession, and as to parties intended to be defrauded.

XXVIII. And be it declared and enacted, that where the having any matter in the custody or possession of any person is in this Act expressed to be an offence, if any person shall have any such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in any dwelling-house or other building, lodging, apartment, field, or other place, open or enclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or for the use or benefit of another, every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act; and where the committing any offence with intent to defraud any person whatsoever is made punishable by this Act, in every such case the word "person" shall throughout this Act be deemed to include his Majesty or any foreign prince or state, or any body corporate, or any company or society of persons not incorporated, or any person or number of persons whatsoever who may be intended to be defrauded by such offence, whether such body corporate, company, society, person, or number of persons shall reside or carry on business in England or elsewhere, in any place or country, whether under the dominion of his Majesty or not; and it shall be sufficient in any indictment to name one person only of such company, society, or number of persons, and to allege the offence to have been committed with intent to defraud the person so named, and another or others, as the case may be.

This Act not to extend to Scotland or Ireland;

XXIX. And be it enacted, that this Act shall not extend to any offence committed in Scotland or Ireland.

but to apply to the orging or uttering in England documents

XXX. Provided always, and be it declared and enacted, that where the forging or altering any writing or matter whatsoever, or the offering, uttering, disposing of, or putting off any

writing or matter whatsoever, knowing the same to be forged or altered, is in this Act expressed to be an offence, if any person shall, in that part of the United Kingdom called England, forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any such writing or matter, in whatsoever place or country out of England, whether under the dominion of his Majesty or not, such writing or matter may purport to be made or may have been made, and in whatever language or languages the same or any part thereof may be expressed, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the writing or matter had purported to be made or had been made in England; and if any person shall in England forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange or any promissory note for the payment of money, or any indorsement on or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, or order for the payment of money, or any deed, bond, or writing obligatory for the payment of money (whether such deed, bond, or writing obligatory shall be made only for the payment of money, or for the payment of money together with some other purpose), in whatever place or country out of England, whether under the dominion of his Majesty or not, the money payable or secured by such bill, note, undertaking, warrant, order, deed, bond, or writing obligatory may be or may purport to be payable, and in whatever language or languages the same respectively or any part thereof may be expressed, and whether such bill, note, undertaking, warrant, or order be or be not under seal, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the money had been payable or had purported to be payable in England.

purporting to be made, or actually made, out of England;

and to the forging or uttering in England bills of exchange, promissory notes, bonds, &c. purporting to be payable out of England.

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11 GEORGII IV. & 1 GULIELMI IV. Cap. LXXV.

An Act *for the Relief of the Sufferers by the Insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Judicature at Madras.*

[23*d July*, 1830.]

Whereas Gilbert Ricketts, Esquire, deceased, late Registrar of the Supreme Court of Judicature at Madras in the East-Indies, was, as such Registrar, empowered by an Act of the thirty-ninth and fortieth years of the reign of King George the Third, intituled "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," to administer to all British subjects dying intestate within the Presidency of Madras; and the said Court was thereby directed to grant such letters of administration to the Registrar of the Court; and accordingly the said Gilbert Ricketts did obtain from time to time administrations out of the said Court to several persons who had died intestate within the said Presidency of Madras, and as such administrator collected their estates and effects: and whereas the said Gilbert Ricketts got into his hands and possession, as such Registrar, certain sums of money ordered by the said Court to be paid into Court by the suitors thereof, and afterwards died insolvent on or about the fourth day of December one thousand eight hundred and seventeen, without having

39 & 40 G. 3, c. 79.

lodged in the treasury at Madras the monies and effects he had so as aforesaid received on account of the estates of intestates and from the suitors of the said Court; by reason whereof those persons representing the said intestates, and lawfully entitled to their estates, as well as the suitors of the said Court, have suffered great loss and damage in this respect: and whereas, in order to know the state and particulars of the deficiency of the said Gilbert Ricketts in respect of the estates of intestates, and the monies paid in by the suitors of the Court, that came to his hands, the Honourable the Judges of the said Court, Sir John Newbolt and Sir Edmund Stanley, made an order, bearing date the fifteenth day of December one thousand eight hundred and seventeen, whereby it was referred to Mr. John Shaw, the then registrar of the said Court, Mr. George Garrow, the accountant-general, Sir Samuel Toller, Knight, advocate-general, Mr. Henry Byne, barrister-at-law, and Mr. Robert Orme, Company's solicitor, as a Committee or Commissioners to inquire into and report upon the accounts of the then late registrar, Mr. Gilbert Ricketts, relative to the suitors' money and the estates of deceased persons which came to his hands: and whereas the survivors of the said Commissioners made their report to the Court, bearing date the twenty-ninth day of July one thousand eight hundred and twenty, whereby they reported, that in respect to the estates of intestates that came to the hands of the said Gilbert Ricketts there was a deficiency of pagodas one hundred and twenty-three thousand one hundred and five and thirty-seven fanams, making in British sterling money, at the rate of eight shillings to the pagoda, forty-nine thousand two hundred and forty-two pounds, and in that of the suitors a deficiency of pagodas one thousand six hundred and sixty-two, making in British sterling, at the rate aforesaid, six hundred and sixty-four pounds and sixteen shillings; the particulars whereof, and the estates and suitors to whom due, are set out in the schedules to the said report annexed, and forming part thereof, marked (A.) (B.) (C.) and (D.): and whereas, upon the aforesaid Commissioners having made the aforesaid report of the twenty-ninth day of July one thousand eight hundred and twenty, to the said Court at Madras, in pursuance of the order of the said Court of the fifteenth day of December one thousand eight hundred and seventeen, the honourable the Judges of the said Court transmitted the same, on the thirtieth day of August one thousand eight hundred and twenty, to the Governor in Council at Madras, stating that Mr. Ricketts died insolvent, and that there was no fund applicable to the discharge of the balances reported due, and recommended it as highly important to public justice that some fund should be provided for the discharge of such claims: and whereas it is expedient that provision shall be made for payment to such persons as shall appear entitled thereto of the several sums so lost by the malversation of the said Gilbert Ricketts; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the Court of Directors of the United Company of Merchants of England trading to the East-Indies, and the said Court of Directors is hereby authorized, empowered, and required, to appropriate so much of the territorial revenues of the said United Company as will be sufficient to pay off and discharge to such persons as shall appear to be entitled thereto, as the lawful representatives of the intestates named in the schedule annexed to the said report of the twenty-ninth day of July one thousand eight hundred and twenty, marked (D.), and also to the suitors of the said Court named in the schedules annexed to the said report of the twenty-ninth day of July one thousand eight hundred and twenty, marked respectively (A.), (B.), and (C.), or to the lawful representatives of such of the said suitors who have since deceased, and shall appear to be entitled thereto, the several and respective principal sums of money set forth and specified in the said schedules respectively as due to the estates of the intestates and the suitors therein respectively named.

Court of Directors of the East-India Company to appropriate a part of their territorial revenues to discharge the sums due to the estates of certain intestates and suitors in the Supreme Court of Judicature at Madras.

II. And be it further enacted, that the said Court of Directors shall, as soon as reasonably may be after the passing of this Act, send out instructions to the Governor and Council at Madras, directing that the said Governor and Council shall, upon demand being made by or on behalf of any such persons lawfully qualified and entitled thereto, pay out of the said territorial revenues of the said Company to such person or persons, or to their lawfully constituted attornies, as soon as reasonably may be, the principal sums mentioned in the said several schedules to the said report of the twenty-ninth day of July one thousand eight hundred and twenty annexed.

The Court of Directors to send out instructions for the payment of the sums hereby required;

III. Provided always, and be it further enacted, that it shall be lawful for the said Court of Directors, if they shall see fit, to make any such payments in this country to any persons who shall appear entitled thereto, and at such rate of exchange as shall be mutually agreed upon between the said Court and such persons respectively.

or the same may be made in this country.

IV. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

Public Act.

I GULIELMI IV. Cap. IV.

An Act *to render valid Acts done by the Governor of any of his Majesty's Plantations after the Expiration of his Commission by the demise of his late Majesty, and to extend the Period within which the Patents of Governors of Colonies shall on any future Demise of the Crown become vacant, and to provide for the longer Duration of the Patents of Governors after the Demise of the Crown.* [23*d December*, 1830.]

Whereas on the demise of his late Majesty King George the Fourth divers persons were in the exercise of offices and employments, civil and military, within his Majesty's plantations, colonies, and possessions abroad, holden under and by virtue of divers patents, commissions, warrants, or other authorities determinable at his said late Majesty's pleasure: and whereas at the expiration of six calendar months next after the demise of his said Majesty such offices and employments as aforesaid will by law cease and determine, and such patents, commissions, warrants, and other authorities as aforesaid will by law be vacated and become void; and whereas, by reason of the remoteness of divers of such plantations, colonies, and possessions, it hath been found and is impracticable to renew such patents, commissions, warrants, and authorities, so as that the renewal thereof should within the period aforesaid be signified and take effect within the said plantations, colonies, and possessions, and the governors and officers administering the government thereof, and other his Majesty's officers therein, must, notwithstanding the expiration of such their commissions, continue in the exercise of the powers and authorities thereby in them vested, in the same manner as if such commissions had not deter-

All powers vested in governors of colonies, &c. by patent or commission of his late Majesty to continue in force until new patents shall be issued and made known in such colonies.

mined: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that powers and authorities, whether vested in any governor, lieutenant-governor, or officer administering the government of any of his Majesty's plantations, colonies, or possessions abroad, or in any officer or officers within any such plantation, colony, or possession, by any patent, commission, or warrant which hath determined or will determine by the demise of his said late Majesty, shall continue in full force and virtue until a new patent, commission, or warrant for the administration of any such government, or for the exercise of any such office, shall be issued by his Majesty, or on his behalf or under his authority, and until the issuing of any such new patent, commission, or warrant shall be signified and made known within the plantation, colony, or plantation abroad to which the same may relate; and that all acts and deeds which shall in the meantime be done shall be as good, binding, valid, and effectual as if such patent, commission, or warrant had not been vacated or made void, and as if such office or employment had not ceased and determined.

Extending the period at which patents shall become determinable at any future demise of the Crown.

II. And be it further enacted, that no patent, commission, warrant, or other authority for the exercise of any office or employment, civil or military, within any of his Majesty's plantations or possessions abroad, determinable at the pleasure of his Majesty, or of any of his Majesty's heirs and successors, shall by reason of any future demise of the Crown be vacated or become void until the expiration of eighteen calendar months next after any such demise of the Crown as aforesaid.

By 11 Geo. 4, and 1 Wm. 4, cap. 43, persons in possession of offices at the demise of the Crown, and re-appointed thereto, are exempted from fees or stamps in respect thereof. By the same Act the Commissioners of her Majesty's Treasury are to determine the remuneration to be made to those who prepare the new commissions, letters patent, &c.

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1 GULIELMI IV. Cap. XXII.

An Act *to enable Courts of Law to order the Examination of Witnesses upon Interrogatories and otherwise.* [30*th March*, 1831.]

The first section of this Act extends to all colonial possessions the powers given for the examination of witnesses in India by 13 Geo. 3, cap. 63. Those powers as exercised in actions in the Courts at Westminster are by 3 & 4 Vic., cap. 105, extended to actions pending in the Courts at Dublin.

II. And be it further enacted, when any writ or commission shall issue under the authority of the said recited Act,(1) or of the power herein-before given by this Act, the judge or judges to whom the same shall be directed shall have the like power to compel and enforce the attendance and examination of witnesses as the Court whereof they are Judges does or may possess for that purpose in suits or causes depending in such Court. Judges to enforce attendance of witnesses.

(1) [13 Geo. 3, cap. 63.]

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2 GULIELMI IV. Cap. XLIII.

An Act *to continue until the First day of March one thousand eight hundred and thirty-six, an Act of the Ninth Year of his late Majesty, for the Relief of Insolvent Debtors in India.* [1*st June*, 1832.]

Whereas an Act was passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies until the First Day of March one thousand eight hundred and thirty-three;" and whereas it is expedient that the said Act should be continued; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Act shall be and the same is hereby continued in force from the said first day of March one thousand eight hundred and thirty three, until the first day of March one thousand eight hundred and thirty-six. (1) 9 G. 4, c. 73. Recited Act continued till 1st March, 1836.

(1) [Further continued (together with the amending Act 4& 5 Wm. 4, cap. 79) by 6 & 7 Wm. 4, cap. 47, till 1st March, 1839, and from thence to the end of the then next session of Parliament: and by 3 & 4 Vic. cap. 80, till the 1st of March, 1845, and from thence till the end of the then next session of Parliament. See also Act of the Government of India, No. 4 of 1836, in Appendix.]

II. Provided always, and be it enacted, that this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present session of Parliament. Act may be altered this session.

2 GULIELMI IV. Cap. LI.

An Act *to regulate the Practice and the Fees in the Vice Admiralty Courts Abroad, and to obviate Doubts as to their Jurisdiction.* [23*d June*, 1832.]

Whereas it is expedient that provision should be made for the regulation of the practice to be observed in the suits and proceedings in the Courts of Vice Admiralty in his Majesty's possessions abroad, and for the establishment of fees to be allowed and taken in the said Courts by the respective judges, officers, and practitioners therein; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, with the advice of his Privy Council, from time to time to make and ordain such rules and regulations as shall be deemed expedient touching the practice to be observed in suits and proceedings in the several Courts of Vice Admiralty at present or hereafter to be established in any of his Majesty's possessions abroad, and likewise from time to time to make, ordain, and establish tables of fees to be taken or received by the judges, officers, and practitioners in the said Courts, for all acts to be done therein, and also from time to time, as shall be found expedient, to alter any such rules, regulations, and fees, and to make any new regulations and table or tables of fees; and that all such rules, regulations, and fees, after the same shall have been so made and established or altered, from time to time be entered or inrolled in the public books or records of the said Courts, so far as such practice and fees shall relate or apply to each of such Courts respectively.

His Majesty empowered to make regulations and establish fees in the Vice-Admiralty Courts abroad.

Regulations and fees to be inrolled in the respective Courts.

The tables of fees to be laid before the House of Commons.

II. And be it further enacted, that a copy of every table of fees so to be from time to time, made and established or altered shall be laid before the House of Commons within three calendar months next after the making and establishment or alteration thereof respectively, if Parliament shall be then sitting, and if not, then within one calendar month next after the subsequent meeting of Parliament.

Fees so established to be the only lawful fees.

III. And be it further enacted, that the several fees so to be established and no other, shall from and after the making and establishment thereof, and the entry and inrolment thereof as aforesaid, be deemed and taken to be the lawful fees of the several judges, officers, ministers, and practitioners of the said respective Courts; and such fees only shall and may be demanded, received, and taken accordingly.

Copies of the regulations and tables of fees to be hung up in each Court.

IV. And to the intent that all such regulations and fees may be promulgated and publicly made known, be it further enacted, that the Judge and Registrar of every such Court shall cause to be kept constantly hung up and preserved in some conspicuous part of every such Court, and in the office of the registrar, a copy of the table of fees so to be from time to time ordained and established in such Courts respectively, so that the said table may be seen and read by all persons having any business in any such Court and office respectively, and that the books or records containing the entries of the said regulations and tables of fees, as the same shall be in force, shall be at all seasonable times open to the inspection of the practitioners and suitors in every such Court.

Appeal to the High Court of Admiralty in cases of costs.

V. And be it further enacted, that in all cases in which proceedings may be had in any of the said Vice Admiralty Courts, if any person shall feel himself aggrieved by the charges

made by any of the officers or practitioners therein, and the allowance thereof by such Vice-Admiralty Court, by reason that such charges are not warranted by the tables herein-before mentioned, it shall be lawful for such person or his agent, under the regulations to be established in pursuance of the powers given by this Act, by summary application to the High Court of Admiralty to have the said charges taxed by the authority thereof.

VI. And whereas in certain cases doubts may arise as to the jurisdiction of Vice-Admiralty Courts in his Majesty's possessions abroad, with respect to suits for seamen's wages, pilotage, bottomry, damage to a ship by collision, contempt in breach of the regulations and instructions relating to his Majesty's service at sea, salvage, and droits of Admiralty; be it therefore enacted, that in all cases where a ship or vessel, or the master thereof, shall come within the local limits of any Vice-Admiralty Court, it shall be lawful for any person to commence proceedings in any of the suits herein-before mentioned in such Vice-Admiralty Court, notwithstanding the cause of action may have arisen out of the local limits of such Court, and to carry on the same in the same manner as if the cause of action had arisen within the said limits.

Vice Admiralty Courts to have jurisdiction in certain maritime causes.

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2 GULIELMI IV. Cap. LIII.

An Act *for consolidating and amending the Laws relating to the Payment of Army Prize-Money.* [23*d June*, 1832.]

The first section of this Act repeals several former Acts on the subject, except as to captures previously made, offences previously committed, or repealing clauses contained in such Acts.

II. And be it further enacted, that from and after the passing of this Act, in all captures which shall be made by his Majesty's army, royal artillery, provincial, black, and all other troops in the pay or service of his Majesty or belonging to his Majesty, but in the pay of the United Company of Merchants trading to the East-Indies, or howsoever otherwise paid, of any fortress or possession of his Majesty's enemies, or of any ship or vessel in any road, river, haven, or creek belonging to such fortress or possession, and in all captures, expeditions, or actions from which prize-money, bounty-money, or grant shall arise, the commanders and other officers, and soldiers engaged therein shall have such right and interest as his Majesty shall think fit to order in all the arms, ammunition, stores of war, goods, merchandize, booty, prize, and treasure belonging to the state, or to any public trading company of such enemies, which shall be found in such fortress or possession, or captured in or granted for any such expedition or action, to be divided in such proportions, and according to such general rule of distribution for the army, as shall be established by his Majesty, or in default thereof in such manner as his Majesty shall under his sign manual be pleased to direct.

All captures hereafter made by the army shall be disposed of as his Majesty shall direct.

XXIX. And be it further enacted, that in all conjunct expeditions of his Majesty's land and naval forces, from and after the adjudication of all and every ship or vessel, with their arms, ammunition, tackle, apparel, and furniture, and all the goods, merchandize, and other

In all conjunct expeditions, after adjudication by a Court of Admiralty, the shares

to the army, as soon as ascertained, to be paid over to the treasurer of Chelsea Hospital.

effects on board the same, and of every other matter or thing subject to such adjudication, which shall be captured in any road, haven, river, or creek belonging to such fortress or possession, or otherwise, as lawful prize to his Majesty, in any of his Majesty's Courts of Admiralty or Vice-Admiralty which shall be duly authorized to take cognizance of the same, and which Courts are hereby required to proceed therein to lawful adjudication, the share and proportion of his Majesty's army, royal artillery, provincial, black, and other troops in the pay of or belonging to his Majesty, or in the pay of the United Company of Merchants trading to the East-Indies, shall, as soon as such shares shall be ascertained, be paid over to the treasurer of Chelsea Hospital, in order that the same may be distributed, subject to the provisions, penalties, rules, remedies, and regulations of this Act.

The remaining sections of this Act contain various regulations affecting the collection, remittance, and appropriation of the shares of booty assigned by the favour of the Crown to the captors. When a claim arises on the part of the Company's troops, it is customary to bring it to the notice of the Crown by petition. For the appropriation of unclaimed shares of prize-money belonging to soldiers and sailors in the service of the East-India Company, see 1 & 2 Geo. 4, cap. 61, and 9 Geo. 4, cap. 50.

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2 & 3 GULIELMI IV. Cap. XCVIII.

An Act *for regulating the protesting for Non-payment of Bills of Exchange drawn payable at a Place not being the Place of the Residence of the Drawee or Drawees of the same.* [*9th August*, 1832.]

Bills of exchange expressed to be paid in any place other than the residence of the drawee, if not accepted on presentment, may be protested in that place unless amount paid to the holder.

Whereas doubts having arisen as to the place in which it is requisite to protest for non-payment bills of exchange, which on the presentment for acceptance to the drawee or drawees shall not have been accepted, such bills of exchange being made payable at a place other than the place mentioned therein to be the residence of the drawee or drawees thereof, and it is expedient to remove such doubts; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all bills of exchange wherein the drawer or drawers thereof shall have expressed that such bills of exchange are to be payable in any place other than the place by him or them therein mentioned to be the residence of the drawee or drawees thereof, and which shall not on the presentment for acceptance thereof be accepted, shall or may be, without further presentment to the drawee or drawees, protested for non-payment in the place in which such bills of exchange shall have been by the drawer or drawers expressed to be payable, unless the amount owing upon such bills of exchange shall have been paid to the holder or holders thereof on the day on which such bills of exchange would have become payable had the same been duly accepted.

2 & 3 GULIELMI IV. Cap. CVII.

An Act *for regulating for three Years, and from thence until the end of the then next Session of Parliament, the care and Treatment of Insane Persons in England.* [11*th August*, 1832.]

It has been thought desirable to insert the following sections of this Act, with two schedules therein referred to, as affording information indispensable in placing in licensed houses of reception persons having been in the service of the Company who may become afflicted with any form of insanity. The duration of the Act was limited to the end of the Session of Parliament next after the expiration of three years from its passing; but it has been continued by later enactments, as has also an Act passed to amend it (3 & 4 Wm. 4, cap. 64) no part of which it is necessary to insert here. The 1 & 2 Vic., cap. 73, continues both Acts till the 10th August, 1841, and from thence to the end of the then next Session of Parliament.

XXVII. And be it further enacted, that no person (not being a parish pauper) shall be received into any house licensed for the reception of insane persons in that part of the United Kingdom called England, without an order under the hand of the person by whose direction such insane person (1) is sent, which order shall be according to the form in schedule (B.) annexed to this Act, and in it shall be stated the christian and surname, and place of abode, and the degree of relationship or other circumstance of connection between such person and the insane person, and the true name, age, place of residence, former occupation, and the asylum or other place (if any) in which the insane person shall have been previously confined, and whether such person shall have been found lunatic or of unsound mind under a commission issued for that purpose by the Lord Chancellor or other the person or persons intrusted as aforesaid; nor shall any such person be received into any such house without a medical certificate of two physicians, surgeons, or apothecaries, in the manner directed by this Act; and if any person shall knowingly and wilfully receive any insane person, or person represented or alleged to be insane, to be taken care of or confined in any house licensed under this Act, without such order and medical certificate, and without making, within three clear days after the reception of such patient, a minute or entry in writing in a book to be kept for that purpose, according to the form in schedule (M.) annexed to this Act, of the true name of the patient, and also the christian and surname, occupation, and place of abode of the person by whom such patient shall be brought, every person so offending shall be deemed guilty of a misdemeanor.

Insane persons not to be received into a licensed house without an order and medical certificate.

(1) [By section 2 all persons who are idiot, lunatic, or of unsound mind, are declared to be included within the term "Insane Persons."]

XXVIII. And be it further enacted, that every medical certificate upon which any order shall be given for the confinement of any person (not a parish pauper) in a house licensed

Medical certificate of insanity.

under this Act shall be according to the form in schedule (C.) annexed to this Act, and shall be signed by two medical practitioners, not being in partnership, and each of them being a physician, surgeon, or apothecary (1) who shall have separately visited and personally examined the patient to whom it relates not more than seven clear days previous to such confinement, and such certificate shall be signed and dated on the day on which he or she shall have been so examined, and shall state that such person is insane and proper to be confined; and every such certificate for the confinement of any person in a house licensed under this Act shall, if the same be not signed by two medical practitioners, state the special circumstance which shall have prevented the patient being visited by two medical practitioners; and any patient may under such special circumstance be admitted into any such house upon the certificate of one medical practitioner, provided such certificate shall be further signed by some other medical practitioner within seven days next after the admission of such patient into any such house as aforesaid; and any person who shall, knowingly and with intention to deceive, sign any such medical certificate, untruly setting forth any of the particulars required by this Act, shall be deemed guilty of a misdemeanor: provided always, that no physician, surgeon, or apothecary shall sign any certificate of admission of a patient to any licensed house who is wholly or partly the proprietor or the regular professional attendant of such licensed house, nor shall any physician, surgeon, or apothecary sign any certificate for the reception of a patient into any such house, of which his father, son, brother, or partner is wholly or in part proprietor or the regular professional attendant, on pain of being deemed guilty of a misdemeanor.

Physicians, &c. not to sign certificates of admission if interested.

(1) [In section 2 the word "Physician" is defined to mean any Fellow or Licentiate of the Royal College of Physicians in London; the word "Surgeon" any Member of the Royal College of Surgeons in London; and by the word "Apothecary," any person authorized to practise under 55 Geo. 3, cap. 194, or 6 Geo. 4, cap. 133.]

Act not to extend to Bethlehem Hospital, or to County Lunatic Asylums.

18 G. 3, c. 96.

9 G. 4, c. 40.

LXII. Provided always, and be it further enacted, that nothing in this Act contained shall be construed to extend to the Royal Hospital of Bethlehem, or any building erected adjacent thereto, for the confinement of criminal lunatics, or to the Royal Military or Naval Hospitals, or to any lunatic asylum already erected and established under an Act passed in the forty-eighth year of the reign of his late Majesty King George the Third, intituled, "An Act for the better care and maintenance of Lunatics, being Paupers or Criminals, in England," or erected and established, or hereafter to be erected and established, under the provisions of an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the care and maintenance of Pauper and Criminal Lunatics in England."

Nothing herein to extend to public hospitals or institutions, except as to visitations, and to the transmission of names of patients.

LXIII. Provided also, and be it further enacted, that nothing in this Act contained shall extend to any public hospital or parts of public hospitals, or other charitable institutions supported wholly or partly by voluntary contributions, or by applying the excess of payments of the more affluent in reduction of the payment by persons in more limited circumstances, excepting so far as relates to visitations appointed by the Lord Chancellor or other the person or persons intrusted as aforesaid, or his Majesty's principal Secretary of State for the Home Department, and the transmission in the month of August in every year of a full and complete

report, according to the form in schedule (M.) to this Act, of every patient confined therein or who shall have been confined therein within the twelve months preceding, and ending on the thirty-first day of July, to the Lord Chancellor or other person or persons intrusted as aforesaid, and also the clerk of the Metropolitan Commissioners, who shall file and preserve the same for the inspection of the said Metropolitan Commissioners.

Schedule (B).

Statement and Order to be annexed to the Medical Certificates authorizing the reception of an Insane Person.

The patient's true christian and surname at full length ... ...
The patient's age ... ...
Married or single ... ...
The patient's previous occupation (if any) ...
The patient's previous place of abode ...
The licensed house or other place (if any) in which the patient was before confined
Whether found lunatic by inquisition, and date of commission ... ...
Special circumstance which shall prevent the patient being separately examined by two medical practitioners ...
Special circumstance which exists to prevent the insertion of any of the above particulars ... ...

Sir,—Upon the authority of the above statement, and the annexed medical certificates, I request you will receive the said as a patient into your house.

I am, Sir,

Your obedient Servant,

Name ... ...
Occupation (if any) ... ...
Place of abode ... ...
Degree of relationship (if any) to the insane person ... ...

To Mr.
Proprietor of

Schedule (C).

Form of Medical Certificates.

I, the undersigned, hereby certify, that I separately visited, and personally examined the person named in the annexed statement and order, on the day of one thousand eight hundred and and that the said is of unsound mind, and a proper person to be confined.

(Signed) Name ... ... ________________
Physician, Surgeon, or Apothecary ...________________
Place of abode ... ...________________

I, the undersigned, hereby certify, that I separately visited and personally examined the person named in the annexed statement and order, on the day of one thousand eight hundred and and that the said is of unsound mind, and a proper person to be confined.

(Signed) Name ... ...________________
Physician, Surgeon, or Apothecary ...________________
Place of abode ... ...________________

Schedule (M.), referred to in section 27, is not inserted, as it refers solely to duties to be performed by the keeper of a licensed house for the reception of insane persons.

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2 & 3 GULIELMI IV. Cap. CXVII.

An Act *to amend the Law relating to the Appointment of Justices of the Peace, and of Juries, in the East-Indies.* [16*th August*, 1832.]

Whereas it is expedient that other persons besides the covenanted servants of the United Company of Merchants of England trading to the East-Indies, or other British inhabitants of the East-Indies, should be capable of being appointed to the office of justice of the peace within and for the towns of Calcutta, Madras, and Bombay, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in the manner prescribed by law for the nomination and appointment of persons now eligible to the office of justice of the peace in the territories in the possession and under the Government of the said Company, and subject, except as to the taking of any oaths to the other provisions of the law which relate to the said office, it shall and may be lawful for the

Governors in Council empowered to authorize any persons to act as justices of the peace.

Governor-general in Council of Fort William in Bengal; the Governor in Council of Fort St. George, and the Governor in Council of Bombay, respectively, for the time being, to nominate and appoint, in the name of the King's Majesty, his heirs and successors, any persons resident within the territories aforesaid, and not being the subjects of any foreign state, whom the said Governor-general in Council and Governors in Council respectively shall think properly qualified, and who will bind themselves by such oaths or solemn affirmations as may from time to time be prescribed in that behalf by the said Governor-general in Council and Governors in Council respectively, to act within and for the towns of Calcutta, Madras, and Bombay respectively, as justices of the peace; and the persons so to be nominated and appointed to act as justices of the peace within and for the towns aforesaid shall have full power and authority to act as such justices of the peace, but according only to the tenor of the respective commissions wherein such persons shall be so nominated and appointed.

II. And whereas by an Act passed in the seventh year of the reign of his late Majesty King George the Fourth, intituled, "An Act to regulate the Appointment of Juries in the East-Indies," it is, amongst other things, provided and enacted, that the grand juries in all cases, and all juries for the trial of persons professing the Christian religion, shall consist wholly of persons professing the Christian religion: and whereas it is expedient to repeal such enactment; be it therefore enacted, that from and after the first day of July one thousand eight hundred and thirty-two, the said recited provision and enactment shall be and the same is hereby repealed.

7 G. 4, c. 37, s. 3, repealed as to limitation of jurors to Christians.

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2 & 3 GULIELMI IV. Cap. CXXIII.

An Act *for abolishing the Punishment of Death in certain cases of Forgery.* [*16th August,* 1832.]

Whereas by an Act passed in the first year of his present Majesty's reign, intituled "An Act for reducing into one Act all such Forgeries as shall hereafter be punished with Death, and for otherwise amending the Laws relative to Forgery," it was provided, that if any person should after the commencement of that Act be convicted of any forgery or other offence therein named or described, for which he would at the time of the passing of that Act have been liable to the punishment of death, he should not suffer death for the same, unless the same should be made punishable with death by that Act: and whereas by the law and practice now prevailing in Scotland and in Ireland the penalty of death may be awarded, in certain cases, for forgery, for uttering counterfeit instruments, and for false personation: and whereas it is expedient to abolish the punishment of death for offences of that nature, except so far as relates to wills and certain powers of attorney, as herein-after mentioned: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that where any person shall after the passing of this Act be convicted of any offence whatsoever for which the said Act enjoins or authorizes the infliction of the punishment of death, or where any person shall after the passing of this Act be convicted in Scotland or Ireland of any offence now punishable with death, which offence shall

1 W. 4, c. 66

Persons hereafter convicted of crimes punishable with death under recited Act, shall not suffer death, but shall be transported for life.

consist wholly or in part of forging or altering any writing, instrument, matter, or thing whatsoever, or of offering, uttering, or disposing of any writing, instrument, matter, or thing whatsoever, knowing the same to be forged or altered, or of falsely personating another, then and in each of the cases aforesaid the person so convicted of any such offence as aforesaid, or of procuring or aiding or assisting in the commission thereof, shall not suffer death, or have sentence of death awarded against him, but shall be transported beyond the seas for the term of such offender's life.

The 2d section made certain exceptions from the operation of the Act, in respect of forgeries of wills or testamentary writings, and of powers of attorney for the transfer of stock or receipt of dividends at the Bank of England, South-Sea House, or Bank of Ireland; but the punishment of death was abolished with reference also to these excepted cases, by 7 Wm. 4, and 1 Vic. cap. 84. The same Act left it to the discretion of the Court to sentence the offender to transportation for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, nor less than two years.

It shall not be necessary to set forth copy or fac-simile of forged instruments in indictment.

III. And in order to prevent justice from being defeated by clerical or verbal inaccuracies, be it enacted, that in all informations or indictments for forging or in any manner uttering any instrument or writing, it shall not be necessary to set forth any copy or fac-simile thereof, but it shall be sufficient to describe the same in such manner as would sustain an indictment for stealing the same; any law or custom to the contrary notwithstanding.

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3 & 4 GULIELMI IV. Cap. XLI.

An Act *for the better Administration of Justice in his Majesty's Privy Council.* [*14th August*, 1833.]

2 & 3 W. 4, c. 92.

Whereas by virtue of an Act passed in a session of Parliament of the second and third years of the reign of his present Majesty, intituled, "An Act for transferring the Powers of the High Court of Delegates, both in Ecclesiastical and Maritime Causes, to his Majesty in Council," it was enacted, that from and after the first day of February one thousand eight hundred and thirty-three, it should be lawful for every person who might theretofore, by virtue either of an Act passed in the twenty-fifth year of the reign of King Henry the Eighth intituled, "The Submission of the Clergy and Restraint of Appeals," or of an Act passed in the eighth year of the reign of Queen Elizabeth, intituled, "For the avoiding of tedious Suits in Civil and Marine Causes," have appealed or made suit to his Majesty in his High Court of Chancery, to appeal or make suit to the King's Majesty, his heirs or successors in

25 H. 8, c. 19.

8 Eliz. c. 5.

Council, within such time, in such manner, and subject to such rules, orders, and regulations for the due and more convenient proceeding, as should seem meet and necessary, and upon such security, if any, as his Majesty, his heirs and successors, should from time to time by order in Council direct: and whereas by Letters Patent under the great seal of Great Britain certain persons, members of his Majesty's Privy Council, together with others, being Judges and Barons of his Majesty's Courts of Record at Westminster, have been from time to time appointed to be his Majesty's Commissioners, for receiving, hearing, and determining appeals from his Majesty's Courts of Admiralty in causes of prize: and whereas, from the decisions of various Courts of Judicature in the East-Indies, and in the plantations, colonies, and other dominions of his Majesty abroad, an appeal lies to his Majesty in Council: and whereas matters of appeal or petition to his Majesty in Council have usually been heard before a Committee of the whole of his Majesty's Privy Council, who have made a report to his Majesty in Council, whereupon the final judgment or determination hath been given by his Majesty: and whereas it is expedient to make certain provisions for the more effectual hearing and reporting on appeals to his Majesty in Council and on other matters, and to give such powers and jurisdiction to his Majesty in Council as herein-after mentioned: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that the President for the time being of his Majesty's Privy Council, the Lord High Chancellor of Great Britain for the time being, and such of the members of his Majesty's Privy Council as shall from time to time hold any of the offices following, that is to say, the office of lord keeper or first lord commissioner of the great seal of Great Britain, lord chief justice or judge of the Court of King's Bench, master of the Rolls, vice chancellor of England, lord chief justice or judge of the Court of Common Pleas, lord chief baron, or baron of the Court of Exchequer, judge of the Prerogative Court of the Lord Archbishop of Canterbury, judge of the high Court of Admiralty, and chief judge of the Court in Bankruptcy, and also all persons, members of his Majesty's Privy Council, who shall have been President thereof, or held the office of lord chancellor of Great Britain, or shall have held any of the other offices herein-before mentioned, shall form a committee of his Majesty's said Privy Council, and shall be styled "The Judicial Committee of the Privy Council:" provided nevertheless, that it shall be lawful for his Majesty from time to time, as and when he shall think fit, by his sign manual, to appoint any two other persons, being Privy councillors, to be members of the said Committee.

Certain persons to form a Committee, to be styled "The Judicial Committee of the Privy Council."

II. And be it further enacted, that from and after the first day of June one thousand eight hundred and thirty-three all appeals or applications in prize suits and in all other suits or proceedings in the Courts of Admiralty, or Vice Admiralty Courts, or any other Court in the plantations in America and other his Majesty's dominions or elsewhere abroad, which may now, by virtue of any law, statute, commission or usage, be made to the high Court of Admiralty in England, or to the Lords Commissioners in prize cases, shall be made to his Majesty in Council, and not to the said high Court of Admiralty in England or to such Commissioners as aforesaid: and such appeals shall be made in the same manner and form and within such time wherein such appeals might, if this Act had not been passed, have been made to the said high Court of Admiralty or to the Lords Commissioners in prize cases respectively; and that all laws or statutes now in force with respect to any such appeals or applications shall apply to any appeals to be made in pursuance of this Act to his Majesty in Council.

Appeals from Vice Admiralty Courts abroad, &c. to be made to the King in Council.

III. And be it further enacted, that all appeals or complaints in the nature of appeals whatever, which either by virtue of this Act, or of any law, statute, or custom, may be brought

All appeals from sentence of any Judge, &c. to be referred by his

Majesty to the Committee to report thereon.

before his Majesty, or his Majesty in Council, from or in respect of the determination, sentence, rule, or order, of any Court, judge, or judicial officer, and all such appeals as are now pending and unheard, shall from and after the passing of this Act be referred by his Majesty to the said judicial Committee of his Privy Council, and that such appeals, causes, and matters shall be heard by the said judicial Committee, and a report or recommendation thereon shall be made to his Majesty in Council for his decision thereon, as heretofore, in the same manner and form as has been heretofore the custom with respect to matters referred by his Majesty to the whole of his Privy Council, or a Committee thereof (the nature of such report or recommendation being always stated in open Court).

No matter to be heard unless in presence of four members of the Committee.

V. And be it further enacted, that no matter shall be heard, nor shall any order, report, or recommendation be made by the said judicial Committee, in pursuance of this Act, unless in the presence of at least four members of the said Committee; and that no report or recommendation shall be made to his Majesty, unless a majority of the members of such judicial Committee present at the hearing shall concur in such report or recommendation: provided always, that nothing herein contained shall prevent his Majesty, if he shall think fit, from summoning any other of the members of his said Privy Council to attend the meetings of the said Committee.

Evidence may be taken *vivâ voce* or upon written depositions.

VII. And be it enacted that it shall be lawful for the said judicial Committee, in any matter which shall be referred to such Committee, to examine witnesses by word of mouth, (and either before or after examination by deposition), or to direct that the depositions of any witness shall be taken in writing by the registrar of the said Privy Council, to be appointed by his Majesty as hereinafter-mentioned, or by such other person or persons, and in such manner, order, and course, as his Majesty in Council, or the said judicial Committee shall appoint and direct; and that the said registrar, and such other person or persons so to be appointed shall have the same powers as are now possessed by an examiner of the high Court of Chancery, or of any Court ecclesiastical.

Committee may order any particular witnesses to be examined, and as to any particular facts, and may remit causes for rehearing.

VIII. And be it enacted, that in any matter which shall come before the said judicial Committee, it shall be lawful for the said Committee to direct that such witnesses shall be examined or re-examined, and as to such facts as to the said Committee shall seem fit, notwithstanding any such witness may not have been examined, or no evidence may have been given on any such facts in a previous stage of the matter; and it shall also be lawful for his Majesty in Council, on the recommendation of the said Committee, upon any appeal, to remit the matter which shall be the subject of such appeal to the Court from the decision of which such appeal shall have been made, and at the same time to direct that such Court shall rehear such matter in such form, and either generally or upon certain points only, and upon such rehearing take such additional evidence, though before rejected, or reject such evidence before admitted, as his Majesty in Council shall direct; and further, on any such remitting or otherwise, it shall be lawful for his Majesty in Council to direct that one or more feigned issue or issues shall be tried in any Court in any of his Majesty's dominions abroad, for any purpose for which such issue or issues shall to his Majesty in Council seem proper.

Witnesses to be examined on oath, and to be liable to punishment for perjury.

IX. And be it enacted, that every witness who shall be examined in pursuance of this Act, shall give his or her evidence upon oath, or if a Quaker or Moravian (1) upon solemn affirmation, which oath and affirmation respectively shall be administered by the said judicial

Committee and registrar, and by such other person or persons as his Majesty in Council, or the said judicial Committee, shall appoint; and that every such witness who shall wilfully swear or affirm falsely, shall be deemed guilty of perjury, and shall be punished accordingly.

(1) [*Vide* 3 & 4 Wm. 4, cap. 82, and 1 & 2 Vic. cap. 77.]

X. And be it enacted, that it shall be lawful for the said judicial Committee to direct one or more feigned issue or issues to be tried in any Court of common law, and either at bar, before a judge of assize, or at the sittings for the trial of issues in London or Middlesex, and either by a special or common jury, in like manner and for the same purpose as is now done by the High Court of Chancery.

Committee may direct an issue to try any fact;

XI. And be it enacted, that it shall be in the discretion of the said judicial Committee to direct that, on the trial of any such issue, the depositions already taken of any witness who shall have died, or who shall be incapable to give oral testimony, shall be received in evidence; and further, that such deeds, evidences, and writings shall be produced, and that such facts shall be admitted, as to the said Committee shall seem fit.

may, in certain cases, direct depositions to be read at the trial of the issue;

XII. And be it enacted, that it shall be lawful for the said judical Committee to make such and the like orders respecting the admission of persons, whether parties or others, to be examined as witnesses upon the trial of any such issues as aforesaid, as the Lord High Chancellor or the Court of Chancery has been used to make respecting the admission of witnesses upon the trial of issues directed by the Lord Chancellor or the Court of Chancery.

may make such orders as to the admission of evidence as are made by the Court of Chancery;

XIII. And be it enacted, that it shall be lawful for the said judicial Committee to direct one or more new trial or new trials of any issue, either generally or upon certain points only; and that in case any witness examined at a former trial of the same issue shall have died, or have, through bodily or mental disease or infirmity, become incapable to repeat his testimony, it shall be lawful for the said Committee to direct that parol evidence of the testimony of such witness shall be received.

and may direct new trials of issues.

XIV. And whereas by an Act passed in the thirteenth year of his late Majesty King George the Third, and intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," and by an Act passed in the first year of the reign of his present Majesty, and intituled, "An Act to enable the Courts of Law to order the Examination of Witnesses upon Interrogatories and otherwise," certain powers are given to certain Courts therein mentioned to enforce, and provisions are made for the examination of witnesses by commission, upon interrogatories and otherwise; be it therefore further enacted, that all the powers and provisions contained in the two last-mentioned Acts, or either of them, shall extend to and be exercised by the said judicial Committee in all respects as if such Committee had been therein named as one of his Majesty's Courts of Law at Westminster.

Powers, &c. of 13 G. 3. c. 63, and 1 W. 4, c. 22, with regard to examination of witnesses, applied to the judicial Committee.

XV. And be it enacted, that the costs incurred in the prosecution of any appeal or matter referred to the said judicial Committee, and of such issues as the same Committee shall under this Act direct, shall be paid by such party or parties, person or persons, and be taxed by the aforesaid registrar, or such other person or persons, to be appointed by his Majesty in Council or the said judicial Committee, and in such manner as the said Committee shall direct.

Costs to be in the discretion of the Committee.

Decrees to be enrolled.

XVI. And be it further enacted, that the orders or decrees of his Majesty in Council made, in pursuance of any recommendation of the said judical Committee, in any matter of appeal from the judgment or order of any Court or Judge, shall be enrolled, for safe custody, in such manner, and the same may be inspected and copies thereof taken under such regulations as his Majesty in Council shall direct.

Committee may refer matters to registrar in same manner as matters are by Court of Chancery referred to a Master.

XVII. And be it further enacted, that it shall be lawful for the said Committee to refer any matters to be examined and reported on to the aforesaid registrar, or to such other person or persons as shall be appointed by his Majesty in Council or by the said judicial Committee, in the same manner and for the like purposes as matters are referred by the Court of Chancery to a Master of the said Court; and that for the purposes of this Act the said registrar and the said person or persons so to be appointed shall have the same powers and authorities as are now possessed by a master in Chancery.

Attendance of witnesses, and production of papers, &c., may be compelled by subpœna.

XIX. And be it further enacted, that it shall be lawful for the President for the time being of the said Privy Council to require the attendance of any witnesses, and the production of any deeds, evidences, or writings, by writ to be issued by such President in such and the same form, or as nearly as may be, as that in which a writ of subpœna *ad testificandum* or of subpœna *duces tecum* is now issued by his Majesty's Court of King's Bench at Wesminster; and that every person disobeying any such writ so to be issued by the said President shall be considered as in contempt of the said judicial Committee, and shall also be liable to such and the same penalties and consequences as if such writ had issued out of the said Court of King's Bench, and may be sued for such penalties in the said Court.

Time of appealing.

XX. And be it further enacted, that all appeals to his Majesty in Council shall be made within such times respectively within which the same may now be made, where such time shall be fixed by any law or usage, and where no such law or usage shall exist, then within such time as shall be ordered by his Majesty in Council; and that, subject to any right subsisting under any Charter or constitution of any colony or plantation, it shall be lawful for his Majesty in Council to alter any usage as to the time of making appeals, and to make any order respecting the time of appealing to his Majesty in Council.

Decrees for Courts abroad to be carried into effect as the King in Council shall direct.

XXI. And be it further enacted, that the order or decree of his Majesty in Council on any appeal from the order, sentence, or decree of any Court of justice in the East-Indies, or of any colony, plantation, or other his Majesty's dominions abroad, shall be carried into effect in such manner, and subject to such limitations and conditions, as his Majesty in Council shall, on the recommendation of the said judicial Committee, direct; and it shall be lawful for his Majesty in Council, on such recommendation, by order, to direct that such Court of justice shall carry the same into effect accordingly, and thereupon such Court of justice shall have the same powers of carrying into effect and enforcing such order or decree, as are possessed by or are hereby given to his Majesty in Council; provided always, that nothing in this Act contained shall impeach or abridge the powers, jurisdiction, or authority of his Majesty's Privy Council as heretofore exercised by such Council, or in anywise alter the constitution or duties of the said Privy Council, except so far as the same are expressly altered by this Act, and for the purposes aforesaid.

Act not to abridge powers of Privy Council.

His Majesty may direct the East-India Company to bring on appeals from the Sud-

XXII. And whereas various appeals to his Majesty in Council from the Courts of Sudder Dewanny Adawlut at the several presidencies of Calcutta, Madras, and Bombay in the East-Indies, have been admitted by the said Courts, and the transcript of the proceedings in appeal

have been from time to time transmitted under the seal of the said Courts, through the United Company of Merchants in England trading to the East-Indies, to the office of his Majesty's said Privy Council, but the suitors in the causes so appealed have not taken the necessary measures to bring on the same to a hearing: be it therefore further enacted by the authority aforesaid, that it shall be lawful for his Majesty in Council to give such directions to the said United Company and other persons, for the purpose of bringing to a hearing before the said Committee the several cases appealed, or hereafter to be appealed, to his Majesty in Council from the several Courts of Sudder Dewanny Adawlut in the East-Indies, and for appointing agents and counsel for the different parties in such appeals, and to make such orders for the security and payment of the costs thereof, as his said Majesty in Council shall think fit; and thereupon such appeals shall be heard and reported on to his Majesty in Council, and shall be by his Majesty in Council determined in the same manner, and the judgments, orders, and decrees of his Majesty in Council thereon, shall be of the same force and effect, as if the same had been brought to a hearing by the direction of the parties appealing in the usual course of proceeding: provided always, that such last-mentioned powers shall not extend to any appeals from the said Courts of Sudder Dewanny Adawlut other than appeals in which no proceedings have been or shall hereafter be taken in England on either side for a period of two years subsequent to the admission of the appeal by such Court of Sudder Dewanny Adawlut.

der Dewanny Adawlut Courts to a hearing.

XXIII. And be it enacted, that in any case where any order shall have been made on any such appeal as last aforesaid, the same shall have full force and effect notwithstanding the death of any of the parties interested therein; but that in all cases where any such appeal may have been withdrawn or discontinued, or any compromise made in respect of the matter in dispute, before the hearing thereof, then the determination of his Majesty in Council in respect of such appeal shall have no effect.

Orders made on such appeals to have effect notwithstanding death of parties, &c.

XXIV. And be it further enacted, that it shall be lawful for his Majesty in Council from time to time to make any such rules and orders as may be thought fit for the regulating the mode, form, and time of appeal to be made from the decisions of the said Courts of Sudder Dewanny Adawlut, or any other Courts of judicature in India or elsewhere to the eastward of the Cape of Good Hope, (from the decisions of which an appeal lies to his Majesty in Council,) and in like manner from time to time to make such other regulations for the preventing delays in the making or hearing such appeals, and as to the expenses attending the said appeals, and as to the amount or value of the property in respect of which any such appeal may be made. (1)

His Majesty empowered to make orders for regulating the mode, &c. of such appeals.

(1) [By an Order in Council, dated 10th April, 1838, the *minimum* amount for which an appeal from any Court in India may be preferred as a matter of right, is fixed at 10,000 Company's rupees.]

XXVIII. And be it enacted, that the said judicial Committee shall have and enjoy in all respects such and the same power of punishing contempts and of compelling appearances, and that his Majesty in Council shall have and enjoy in all respects such and the same powers of enforcing judgments, decrees, and orders, as are now exercised by the High Court of Chancery or the Court of King's Bench (and both *in personam* and *in rem*), or as are given to any Court ecclesiastical by an Act of Parliament passed in a session of Parliament of the second and third years of the reign of his present Majesty, intituled, "An Act for enforcing

Power of enforcing decrees.

2 & 3 W. 4, c. 93.

the Process upon Contempts in the Courts Ecclesiastical of England and Ireland;" and that all such powers as are given to Courts Ecclesiastical, if of punishing contempts or of compelling appearances, shall be exercised by the said judicial Committee, and if of enforcing decrees and orders shall be exercised by his Majesty in Council, in such and the same manner as the powers in and by such Act of Parliament given, and shall be of as much force and effect as if the same had been thereby expressly given to the said Committee or to his Majesty in Council.

Retired Judges attending the judicial Committee to receive an allowance.

XXX. And be it enacted, that two members of his Majesty's Privy Council who shall have held the office of judge in the East-Indies or any of his Majesty's dominions beyond the seas, and who, being appointed for that purpose by his Majesty, shall attend the sittings of the judicial Committee of the Privy Council, shall severally be entitled to receive over and above any annuity granted to them in respect of having held such office as aforesaid, the sum of four hundred pounds for every year during which they shall so attend as aforesaid, as an indemnity for the expense which they may thereby incur; and such sum of four hundred pounds shall be chargeable upon and paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland.

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3 & 4 GULIELMI IV. Cap. XLIX.

An Act *to allow Quakers and Moravians to make Affirmation in all Cases where an Oath is or shall be required.* - [28*th August,* 1833.]

Whereas it is expedient and reasonable that the solemn affirmation of persons of the persuasion of the people called Quakers, and of Moravians, should be allowed in all cases where an oath is or shall be required; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that every person of the persuasion of the people called Quakers, and every Moravian, be permitted to make his or her solemn affirmation or declaration, instead of taking an oath, in all places and for all purposes whatsoever where an oath is or shall be required either by the common law or by any Act of Parliament already made or hereafter to be made, which said affirmation or declaration shall be of the same force and effect as if he or she had taken an oath in the usual form; and if any such person making such solemn affirmation or declaration shall be lawfully convicted wilfully, falsely, and corruptly to have affirmed or declared any matter or thing, which if the same had been in the usual form would have amounted to wilful and corrupt perjury, he or she shall incur the same penalties and forfeitures as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury, any law, statute, or custom to the contrary notwithstanding: provided always, that every such affirmation or declaration shall be in the words following; (that is to say,)

Quakers and Moravians permitted to make a solemn affirmation or declaration instead of an oath.

Penalty on affirming or declaring falsely.

Form of declaration.

"I, *A. B.*, being one of the people called Quakers [or one of the persuasion of the "people called Quakers, or of the United Brethren called Moravians, as the case may "be], do solemnly, sincerely, and truly declare and affirm."

The 3 & 4 Wm. 4, cap. 82, allows the people called "Separatists" to make a solemn affirmation and declaration instead of an oath. The 1st and 2d Vic. cap. 77, permits an affirmation to be made instead of an oath by persons having been Quakers or Moravians, although they may have ceased to belong to those denominations.

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3 & 4 GULIELMI IV. Cap. LII.

An Act *for the general Regulation of the Customs.*
[28*th August*, 1833.]

Several sections of this Act contain provisions specially relating to the trade of the East-India Company; but these being necessarily inoperative during the suspension of that trade, are omitted. Those provisions which prescribe the modes of proceeding in the Customs department, and which constitute the larger portion of the Act, are also omitted, as well as others of local or particular application.

IV. And be it further enacted, that before any ship shall be cleared out or depart from any place in any of the British possessions abroad, or from any place in China, with any goods for the United Kingdom or for the Isle of Man, the master of such ship shall produce the manifest to the collector or controller of the Customs, or other proper officer, who shall certify upon the same the date of the production thereof to him: provided always, that in all places within the territorial possessions of the East-India Company the servant of the said Company by whom the last despatches of such ship shall be delivered shall be the proper officer to authenticate the manifest as aforesaid; and in all places in China the chief supercargo (1) of the said Company shall be the proper officer for such purpose. To be produced to officers in colonies, &c.

(1) [The Company have now no establishment in China.]

After some provisions regulating the mode of granting abatement of duties on account of damage, the following occurs.

XXXII. Provided always, and be it further enacted, that no abatement of duties shall be made on account of any damage received by any of the sorts of goods herein-after enumerated; (that is to say,) No abatement for certain goods.

Cocoa,	Pepper,	Figs,	Lemons,
Coffee,	Currants,	Tobacco,	and Wine.
Oranges,	Raisins,		

In reference to the section following, it is proper to remark that some variation exists between its provisions and those on the same subject in 6 & 7 Wm. 4, cap. 26, which Act was renewed by 7 Wm. and 1 Vic. cap. 27, 1 & 2 Vic. cap. 33, 2 & 3 Vic. cap. 21, and 3 & 4 Vic. cap. 23.

Certificate of sugar from limits of Charter; Master to declare to certificate.

XXXVIII. And be it further enacted, that before any sugar shall be entered as being the produce of any Britsh possession within the limits of the East-India Company's Charter, the master of the ship importing the same shall deliver to the collector or controller a certificate under the hand and seal of the proper officer at the place where such sugar was taken on board, testifying that oath had been made before him, by the shipper of such sugar, that the same was really and *bonâ fide* the produce of such British possession; and such master shall also make and subscribe a declaration before the collector or controller, that such certificate was received by him at the place where such sugar was taken on board, and that the sugar so imported is the same as is mentioned therein.

Importation direct.

XLVIII. And be it further enacted, that no goods shall be deemed to be imported from any particular place unless they be imported direct from such place, and shall have been there laden on board the importing ship, either as the first shipment of such goods, or after the same shall have been actually landed at such place.

Prohibitions and restrictions absolute or modified.

LVIII. And be it further enacted, that the several sorts of goods enumerated or described in the table following, denominated, "A Table of Prohibitions and Restrictions Inwards," shall either be absolutely prohibited to be imported into the United Kingdom, or shall be imported only under the restrictions mentioned in such table, according as the several sorts of such goods are respectively set forth therein; (that is to say,)

A TABLE OF PROHIBITIONS AND RESTRICTIONS INWARDS.

A List of Goods absolutely Prohibited to be Imported.

Arms, ammunition, and utensils of war, by way of merchandize, except by license from his Majesty, for furnishing his Majesty's public stores only.

* * * * * * *

Books; *viz.*

——— first composed or written or printed in the United Kingdom, and printed and reprinted in any other country, imported for sale, except books not reprinted in the United Kingdom within twenty years; or being parts of collections, the greater parts of which had been composed or written abroad.

* * * * * * *

Clocks and watches of any metal, impressed with any mark or stamp appearing to be or to represent any legal British assay, mark, or stamp, or purporting by any mark or appearance to be of the manufacture of the United Kingdom, or not having the name and place of abode of some foreign maker abroad visible on the frame and also on the face, or not being in a complete state, with all the parts properly fixed in the case.

Coin, *viz.*

—— False money or counterfeit sterling.

Silver, of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

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Gunpowder; except by licence from his Majesty, such licence to be granted for the furnishing his Majesty's stores only.

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Snuff-work.

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Tobacco stalks stripped from the leaf, whether manufactured or not.

Tobacco stalk flour.

List of Goods subject to certain Restrictions on Importation.

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East-India; goods of places within the limits of the East-India Company's Charter, unless into such ports as shall be approved of by the Lords of the Treasury, and declared by order in Council to be fit and proper for such importation.

Gloves of leather, unless in ships of 70 (1) tons or upwards, and in packages containing 100 dozen pair of such gloves.

Hides, skins, horns, or hoofs, or any other part of cattle or beast, his Majesty may by order in Council prohibit, in order to prevent any contagious distemper

Parts of articles; *viz.*

———— Any distinct or separate part of any article not accompanied by the other part or all the other parts of such article, so as to be complete and perfect if such article be subject to duty according to the value thereof.

* * * * * * *

Spirits, not being perfumed or medicinal spirits; *viz.*

——— All spirits, unless in ships of 70 (1) tons or upwards.

——— Rum of and from the British plantations, if in casks, unless in casks containing not less than 20 gallons. (2)

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Tobacco and snuff; *viz.*

———— Unless in a ship of the burthen of 120 tons or upwards.

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———— Segars, unless in packages containing 100lbs. weight of segars.

———— All other tobacco and snuff, unless in hogsheads, casks, chests, or cases, each of which shall contain of net tobacco or snuff at least 100lbs. weight if from the East-Indies, * * * * * * and not packed in bags or packages within any such hogshead, cask, chest, or case, nor separated nor divided in any manner whatever, except tobacco of the dominions of the Turkish empire, which may be packed in inward bags or packages, or separated or divided in any manner within the outward package, provided such outward package be a hogshead, cask, chest, or case, and contain * * * *

———— and unless the particular weight of tobacco or snuff in each hogshead, cask, chest, or case, with the tare of the same be marked thereon.

Tobacco and Snuff—*continued.*

——————and unless into the ports of London, Liverpool, Bristol, Lancaster, Cowes, Falmouth, Whitehaven, Hull, Port Glasgow, Greenock, Leith, Newcastle-upon-Tyne, Plymouth, Belfast, Cork, Drogheda, Dublin, Galway, Limerick, Londonderry, Newry, Sligo, Waterford, and Wexford.

———— or into some other port or ports which may hereafter be appointed for such purpose by the Lords Commissioners of his Majesty's Treasury: such appointments in Great Britain being published in the *London Gazette,* and such appointments in Ireland being published in the *Dublin Gazette.*

———— but any ship wholly laden with tobacco may come into the ports of Cowes or Falmouth, to wait for orders, and there remain fourteen days, provided due report of such ship be made by the master with the collector or controller of such port.

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Forfeiture.

And if any goods shall be imported into the United Kingdom contrary to any of the prohibitions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited.

(1) [By 6 & 7 Wm. 4, cap. 60, sec. 5, goods the importation of which was previously restricted to vessels of 70 tons burden, may be imported in vessels of 60 tons.]

(2) [By 6 & 7 Wm. 4, cap. 60, sec. 4, all spirits may be imported in casks of not less than 20 gallons.]

But goods may be warehoused for exportation only, although prohibited.

LIX. Provided always, and be it further enacted, that any goods, of whatsoever sort, may be imported into the United Kingdom to be warehoused under the regulations of any Act in force for the time being for the warehousing of goods, without payment of duty at the time of the first entry thereof, or notwithstanding that such goods may be prohibited to be imported into the United Kingdom to be used therein, except the several sorts of goods enumerated or described in manner following; (that is to say), goods prohibited on account of the package in which they are contained, or the tonnage of the ship in which they are laden; tea and goods from China in other than British ships, or by other persons than the East-India Company during the continuance of their exclusive privileges of trade; (1) gunpowder, arms, ammunition, or utensils of war; dried or salted fish, not being stock fish; (2) infected hides, skins, horns, hoofs, or any other part of any cattle or beast; counterfeit coin or tokens; books first composed or written or printed and published in the United Kingdom, and reprinted in any other country or place; copies of prints first engraved, etched, drawn, or designed in the United Kingdom; copies of casts of sculptures or models first made in the United Kingdom; clocks or watches, being such as are prohibited to be imported for home use.

Exceptions.

(1) [The trade with China is now open under 3 & 4 Wm. 4, cap. 93.]

(2) [Repealed as to Salted and Dried Fish by 1 & 2 Vict. cap. 113, sec. 7.]

Terms used in Acts.

CXIX. And in order to avoid the frequent use of numerous terms and expressions in this Act, and in other Acts relating to the Customs, and to prevent any misconstruction of the

terms and expressions used therein; be it further enacted, that whenever the several terms or expressions following shall occur in this Act, or in any other Act relating to the Customs, or to trade and navigation, the same shall be construed respectively in the manner herein-after directed; (that is to say), that the term "ship" shall be construed to mean ship or vessel generally, unless such term shall be used to distinguish a ship from sloops, brigantines, and other classes of vessels; that the term "master" of any ship shall be construed to mean the person having or taking the charge or command of such ship; that the term "owners" and the term "owner" of any ship shall be construed alike to mean one owner, if there be only one, and any or all the owners, if there be more than one; that the term "mate" of any ship shall be construed to mean the person next in command of such ship to the master thereof; that the term "seaman" shall be construed to mean alike seaman, mariner, sailor, or landsman, being one of the crew of any ship; that the term "British Possession" shall be construed to mean colony, plantation, island, territory, or settlement belonging to his Majesty; that the term "His Majesty" shall be construed to mean his Majesty, his heirs and successors; that the term "East-India Company" shall be construed to mean the United Company of Merchants of England trading to the East-Indies; that the term "limits of the East-India Company's Charter" shall be construed to mean all places and seas eastward of the Cape of Good Hope to the Straits of Magellan: that the terms "collector and controller" shall be construed to mean the collector and controller of the Customs of the port intended in the sentence; that whenever mention is made of any public officer, the officer mentioned shall be deemed to be such officer for the time being; that the term "warehouse" shall be construed to mean any place, whether house, shed, yard, timber pond, or other place in which goods entered to be warehoused upon importation may be lodged, kept, and secured without payment of duty, or although prohibited to be used in the United Kingdom; that the term "King's warehouse" shall be construed to mean any place provided by the Crown for lodging goods therein for security of the Customs.

Ship. Master. Owner or owners. Mate. Seaman. British possession. His Majesty. East India Company. Charter. Collector and controller. Officer. Warehouse. King's Warehouse.

CXX. And be it further enacted, that the island of Malta and its dependencies shall be deemed to be in Europe.

Malta in Europe.

CXXVII. And be it further enacted, that the tonnage or burthen of every British ship within the meaning of this Act shall be the tonnage set forth in the certificate of registry of such ship, and that the tonnage or burthen of every other ship shall, for the purposes of this Act, be ascertained in the same manner as the tonnage of British ships is ascertained.

Tonnage or burden of ships declared.

CXXVIII. And be it further enacted, that it shall be lawful for the officers of Customs at any port under British dominion where there shall be a collector and controller of the Customs to refuse to admit any person to do any act at such port as master of any British ship, unless his name shall be inserted in or have been indorsed upon the certificate of registry of such ship as being the master thereof, or until his name shall have been so indorsed by such collector and controller.

Officers may refuse master of British ship unless indorsed on register.

3 & 4 GULIELMI IV. Cap. LIV.

An Act *for the Encouragement of British Shipping and Navigation.* [28*th August*, 1833.]

6 G. 4, c. 109.

Whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the Encouragement of British Shipping and Navigation," whereby the laws for the encouragement of British shipping and navigation were consolidated and amended: and whereas since the passing of the said Act divers Acts for the further amendment of the law have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts should be consolidated into one Act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall commence upon the first day of September, one thousand eight hundred and thirty-three, except where any other commencement is herein particularly directed.

Commencement of Act.

The second section refers to goods the produce of Europe.

Places from which only goods of Asia, Africa, or America, may be imported.

III. And be it further enacted, that goods, the produce of Asia, Africa, or America, shall not be imported from Europe into the United Kingdom, to be used therein, except the goods herein-after mentioned; (that is to say,)

Goods, the produce of the dominions of the Emperor of Morocco, which may be imported from places in Europe within the Straits of Gibraltar:

Goods, the produce of Asia or Africa, which (having been brought into places in Europe within the Straits of Gibraltar, from or through places in Asia or Africa within those Straits, and not by way of the Atlantic Ocean) may be imported from places in Europe within the Straits of Gibraltar:

Goods, the produce of places within the limits of the East-India Company's Charter, which (having been imported from those places into Gibraltar or Malta in British ships) may be imported from Gibraltar or Malta:

Goods taken by way of reprisal by British ships:

Bullion, diamonds, pearls, rubies, emeralds, and other jewels or precious stones.

Ships in which only goods of Asia, Africa, or America, may be imported.

IV. And be it further enacted, that goods, the produce of Asia, Africa, or America, shall not be imported into the United Kingdom, to be used therein, in foreign ships, unless they be the ships of the country in Asia, Africa, or America, of which the goods are the produce, and from which they are imported, except the goods herein-after mentioned; (that is to say),

Goods the produce of the dominions of the Grand Seignor, in Asia, or Africa, which may be imported from his dominions in Europe, in ships of his dominions:

Raw silk and mohair yarn, the produce of Asia, which may be imported from the dominions of the Grand Seignor in the Levant Seas, in ships of his dominions:

Bullion.

In reference to the two preceding sections see 1 & 2 Vict. cap. 113, sec. 30.

V. Provided always, and be it further enacted, that all manufactured goods shall be deemed to be the produce of the country of which they are the manufacture. Manufacture deemed produce

Section 6, as well as sections 8 and 9, are omitted as unnecessary.

VII. And be it further enacted, that no goods shall be exported from the United Kingdom to any British possession in Asia, Africa, or America, nor to the islands of Guernsey, Jersey, Alderney, Sark, or Man, except in British ships. Exports to Asia, &c. and to Guernsey, &c.

X. And be it further enacted, that no goods shall be carried from any British possession in Asia, Africa, or America, to any other of such possessions, nor from one part of any of such possessions to another part of the same, except in British ships. Between British possessions in Asia, &c.

XI. And be it further enacted, that no goods shall be imported into any British possession in Asia, Africa, or America, in any foreign ships, unless they be ships of the country of which the goods are the produce, and from which the goods are imported. Imports into British possessions in Asia, &c.

XII. And be it further enacted, that no ship shall be admitted to be a British ship, unless duly registered and navigated as such; and that every British registered ship (so long as the registry of such ship shall be in force, or the certificate of such registry retained for the use of such ship) shall be navigated during the whole of every voyage (whether with a cargo or in ballast), in every part of the world by a master who is a British subject, and by a crew, whereof three-fourths at least are British seamen; and if such ship be employed in a coasting voyage from one part of the United Kingdom to another, or in a voyage between the United Kingdom and the islands of Guernsey, Jersey, Alderney, Sark, or Man, or from one of the said islands to another of them, or from one part of either of them to another of the same, or be employed in fishing on the coasts of the United Kingdom or of any of the said islands, then the whole of the crew shall be British seamen. No ship British, unless registered and navigated as such.

The thirteenth section provides for the admission of vessels under fifteen tons burden to the navigation of rivers and coast-wise, although not registered, and for the employment without registration of vessels not exceeding thirty tons burden in the colonial fisheries.

The fourteenth section relates to ships built at Honduras.

XV. And be it further enacted, that no ship shall be admitted to be a ship of any particular country, unless she be of the build of such country; or have been made prize of war to such country; or have been forfeited to such country under any law of the same, made for the prevention of the slave trade, and condemned as such prize or forfeiture by a competent Court of such country; or be British built (not having been a prize of war from British subjects to any other foreign country); nor unless she be navigated by a master who is a subject of such foreign country, and by a crew of whom three-fourths at least are subjects of such country; nor unless she be wholly owned by subjects of such country usually residing therein, or under the dominion thereof: provided always, that the country of every ship shall be deemed to include all places which are under the same dominion as the place to which such ship belongs. Ship of any foreign country to be of the build of, or, prize to, such country; or British-built, and owned and navigated by subjects of the country.

Master and seamen not British, unless natural-born, or naturalized, or denizens, or subjects by conquest or cession, or having served in H.M. ships of war.

XVI. And be it further enacted, that no person shall be qualified to be a master of a British ship, or to be a British seaman within the meaning of this Act, except the natural-born subjects of his Majesty, or persons naturalized by any Act of Parliament, or made denizens by letters of denization; or except persons who have become British subjects by virtue of conquest or cession of some newly-acquired country, and who shall have taken the oath of allegiance to his Majesty, or the oath of fidelity required by the treaty or capitulation by which such newly-acquired country came into his Majesty's possessions; or persons who shall have served on board any of his Majesty's ships of war in time of war for the space of three years; provided always, that the natives of places within the limits of the East-India Company's Charter, although under British dominion, shall not, upon the ground of being such natives, be deemed to be British seamen: provided always, that every ship (except ships required to be wholly navigated by British seamen) which shall be navigated by one British seaman, if a British ship, or one seaman of the country of such ship, if a foreign ship, for every twenty tons of the burthen of such ship, shall be deemed to be duly navigated, although the number of other seamen shall exceed one-fourth of the whole crew: provided always, that nothing herein contained shall extend to repeal or alter the provisions of an Act passed in the fourth year of the reign of his late Majesty King George the Fourth (1), for consolidating and amending the laws then in force with respect to trade from and to places within the limits of the East-India Company's Charter.

Natives of India not to be British seamen.

One British seaman to twenty tons sufficient to constitute a proper crew.

4 G. 4, c. 80.

(1) [By 3 & 4 Wm. 4, cap. 93, the Act here referred to (4 Geo. 4, cap. 80) is repealed, with the exception of those parts of it relating to Asiatic seamen. Among the parts still in force is section 21, by which a ship partly manned by Lascars is to be deemed lawfully navigated if commanded by a British master, and having four British seamen for every hundred tons.]

Foreigners having served two years on board H.M.S. during war.

XVII. Provided always, and be it further enacted, that it shall be lawful for his Majesty, by his royal proclamation during war, to declare that foreigners, having served two years on board any of his Majesty's ships of war in time of such war, shall be British seamen within the meaning of this Act.

British ship not to depart British port unless duly navigated, &c.

XVIII. And be it further enacted, that no British registered ship shall be suffered to depart any port in the United Kingdom, or any British possession in any part of the world, (whether with a cargo or in ballast) unless duly navigated: provided always, that any British ships, trading between places in America, may be navigated by British negroes; and that ships trading eastward of the Cape of Good Hope within the limits of the East-India Company's Charter may be navigated by Lascars, or other natives of countries within those limits. (1)

(1) [See also 4 Geo. 4, cap. 80, sec. 23.]

If excess of foreign seamen, penalty 10*l.* for each; except British seamen cannot be procured in foreign ports, or in India; or proportion destroyed unavoidably; and certificate

XIX. And be it further enacted, that if any British registered ship shall at any time have, as part of the crew, in any part of the world, any foreign seamen not allowed by law, the master or owners of such ship shall for every such foreign seaman forfeit the sum of ten pounds: provided always, that if a due proportion of British seamen cannot be procured in any foreign port, or in any place within the limits of the East-India Company's Charter, for

the navigation of any British ship; (1) or if such proportion be destroyed during the voyage by any unavoidable circumstance, and the master of such ship shall produce a certificate of such facts under the hand of any British consul, or of two known British merchants, if there be no consul at the place where such facts can be ascertained, or from the British governor of any place within the limits of the East-India Company's Charter; (1) or in the want of such certificate, shall make proof of the truth of such facts to the satisfaction of the collector and controller of the Customs of any British port, or of any person authorized in any other part of the world to inquire into the navigation of such ship, the same shall be deemed to be duly navigated.

produced or proof made.

(1) [See also 4 Geo. 4, cap. 80, sec. 22.]

XX. And be it further enacted, that if his Majesty shall, at any time by his royal proclamation, declare that the proportion of British seamen necessary to the due navigation of British ships shall be less than the proportion required by this Act, every British ship navigated with the proportion of British seamen required by such proclamation shall be deemed to be duly navigated, so long as such proclamation shall remain in force.

Proportion of seamen may be altered by proclamation.

XXI. Provided always, and be it further enacted, that goods of any sort or the produce of any place, not otherwise prohibited than by the law of navigation herein-before contained, may be imported into the United Kingdom from any place in a British ship, and from any place not being a British possession in a foreign ship of any country, and however navigated, to be warehoused for exportation only, under the provisions of any law in force for the time being, made for the warehousing of goods without payment of duty upon the first entry thereof.

Goods prohibited only by navigation law may be imported for exportation.

XXII. And be it further enacted, that if any goods be imported, exported, or carried coastwise, contrary to the law of navigation, all such goods shall be forfeited, and the master of such ship shall forfeit the sum of one hundred pounds.

Forfeitures how incurred.

XXIII. And be it further enacted, that all penalties and forfeitures incurred under this Act shall be sued for, prosecuted, recovered, and disposed of, or shall be mitigated or restored, in like manner as any penalty or forfeiture can be sued for, prosecuted, recovered, and disposed of, or may be mitigated or restored, under an Act passed in the present session of Parliament for the prevention of smuggling.

Recovery of forfeitures.

XXIV. And be it further enacted, that this Act may be altered, varied or repealed, by any Act or Acts to be passed in this present session of Parliament.

Act may be altered this session.

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3 & 4 GULIELMI IV. Cap. LV.

An Act *for the registering of British Vessels.* [28*th August*, 1833.]

Ships or vessels built in any ports in the territories under the Government of the East-India Company, being owned by British subjects and

registered in the manner provided by this Act, are entitled to all the privileges and advantages of a British registered ship: see preamble to 3 & 4 Vic., cap. 56. With respect to ships trading only within the limits of the Charter, see 55 Geo. 3, cap. 116, sec. 3; 3 & 4 Wm. 4, cap. 59, sec. 84; and 3 & 4 Vic. cap. 56.

It will be seen, by section 3 of this Act, that the servants of the East-India Company may be required to discharge the duties which it prescribes with regard to the registration of vessels.

6 G. 4, c 110.

Whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the Registering of British Vessels," whereby the laws in relation to the registration of British vessels were consolidated and amended: and whereas since the passing of the said Act divers Acts for the further amendment of the law have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts should be consolidated into one Act: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall commence upon the first day of September one thousand eight hundred and thirty-three, except where any other commencement is herein particularly directed.

Commencement of Act.

No vessel to enjoy privileges until registered.

4 G. 4, c. 41.

II. And be it further enacted, that no ship or vessel shall be entitled to any of the privileges or advantages of a British-registered ship unless the person or persons claiming property therein shall have caused the same to have been registered in virtue of the said Act, or of an Act passed in the fourth year of his said late Majesty's reign, intituled, "An Act for the Registering of British Vessels," or until such person or persons shall have caused the same to be registered in manner herein-after mentioned, and shall have obtained a certificate of such registry from the person or persons authorized to make such registry and grant such certificate as herein-after directed; the form of which certificate shall be as follows: *videlicet*,

Form of certificate of registry.

"This is to certify, that in pursuance of an Act passed in the fourth year of the reign "of King William the Fourth, intituled, *An Act* [*here insert the title of this Act, the* "*names, occupations, and residence of the subscribing owners*], having made and sub-"scribed the declaration required by the said Act, and having declared that [he *or* they] "together with [*names, occupations, and residence of non-subscribing owners*] [is *or* "are] sole owner or owners, in the proportions specified on the back hereof, of the ship "or vessel called the [*ship's name*] of [*place to which the vessel belongs*], which is of "the burthen of [*number of tons*], and whereof [*master's name*] is master, and that the "said ship or vessel was [*when and where built, or condemned as prize, referring to* "*builder's certificate, judge's certificate, or certificate of last registry, then delivered* "*up to be cancelled*], and [*name and employment of surveying officer*] having certified "to us that the said ship or vessel has [*number*] decks and [*number*] masts, that her "length from the fore part of the main stem to the after part of the stern post aloft is "[*number of feet and inches*], her breadth at the broadest part [*stating whether that* "*be above or below the main wales*] is [*number of feet and inches*] her [*height between* "*decks if more than one deck, or depth in the hold if only one deck*] is [*number of feet*

" *and inches*], that she is [*how rigged*] rigged with a [*standing or running*] bowsprit, " is [*description of stern*] sterned, [*carvel or clincher*] built, has [*whether any or no*] " gallery, and [*kind of head, if any*] head; and the said subscribing owners having con- " sented and agreed to the above description, and having caused sufficient security to be " given as is required by the said Act, the said ship or vessel called the [*name*] has been " duly registered at the port of [*name of port*]. Certified under our hands at the Cus- " tom-house in the said port of [*name of port*] this [*date*] day of [*name of month*] in " the year [*words at length*].

" [*Signed*] Collector.
" [*Signed*] Controller."

And on the back of such certificate of registry there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following:

" Names of the several Owners within mentioned.	Number of Sixty-fourth Shares held by each Owner.
" [*Name*	... ... *Thirty-two.*
" [*Name*	... ... *Sixteen.*
" [*Name*	... ... *Eight.*
" [*Name*	... ... *Eight.*]

" [*Signed*] Collector.
" [*Signed*] Controller."

III. And be it further enacted, that the persons authorized and required to make such registry and grant such certificates shall be the several persons herein-after mentioned and described; (that is to say,) Persons authorized to make registry and grant certificates.

The collector and controller of his Majesty's Customs in any port in the United Kingdom of Great Britain and Ireland, and in the Isle of Man respectively, in respect of ships or vessels to be there registered: In United Kingdom and Isle of Man:

The principal officers of his Majesty's Customs in the Island of Guernsey or Jersey, together with the governor, lieutenant-governor, or commander-in-chief of those islands respectively, in respect of ships or vessels to be there registered: In Guernsey, &c.

The collector and collector of his Majesty's Customs of any port in the British possessions in Asia, Africa, and America, or the collector of any such port at which no appointment of a controller has been made, in respect of ships or vessels to be there registered: In colonies in Asia, Africa, and America:

The collector of duties at any port in the territories under the government of the East-India Company, within the limits of the Charter of the said Company, or any other person of the rank in the said Company's service of senior merchant, or of six years' standing in the said service, being respectively appointed to act in the execution of this Act by any of the governments of the said Companny, in respect of ships or vessels to be there registered: In territories of E.I. Company:

The collector of duties at any British possession within the said limits, and not under the government of the said Company, and at which a custom-house is not established, together with the governor, lieutenant-governor, or commander-in-chief of such possession, in respect of ships or vessels to be there registered: In other places within limits of the Charter:

The governor, lieutenant-governor, or commander-in-chief of Malta, Gibraltar, Heligoland, and Cape of Good Hope, respectively, in respect of ships or vessels to be there registered: In Malta, Gibraltar, &c.

Limitation as to vessels registered at Malta, Gibraltar, or Heligoland.

Provided always, that no ship or vessel to be registered at Heligoland, except such as is wholly of the built of that place, and that ships or vessels, after having been registered at Malta, Gibraltar, or Heligoland, shall not be registered elsewhere; and that ships or vessels registered at Malta, Gibraltar, or Heligoland, shall not be entitled to the privileges and advantages of British ships in any trade between the said United Kingdom and any of the British possessions in America: provided also, that wherever in and by this Act it is directed or provided that any act, matter, or thing shall and may be done or performed by, to, or with any collector and controller of his Majesty's Customs, the same shall or may be done or performed by, to, or with the several persons respectively herein-before authorized and required to make registry, and to grant certificates of registry as aforesaid, and according as the same act, matter, or thing is to be done or performed at the said several and respective places, and within the jurisdiction of the said several persons respectively; provided also, that wherever in and by this Act it is directed or provided that any act, matter, or thing shall or may be done or performed by, to, or with the Commissioners of his Majesty's Customs, the same shall or may be done or performed by, to, or with the governor, lieutenant-governor, or commander-in-chief of any place where any ship or vessel may be registered under the authority of this Act, so far as such act, matter, or thing can be applicable to the registering of any ship or vessel at such place.

Certain powers of collectors and controllers, by whom to be exercised in certain cases.

Powers of Commissioners of Customs in United Kingdom given to governors, &c. abroad.

Ships exercising privileges before registry to be forfeited;

IV. And be it further enacted, that in case any ship or vessel not being duly registered, and not having obtained such certificate of registry as aforesaid, shall exercise any of the privileges of a British ship, the same shall be subject to forfeiture, and also all the guns, furniture, ammunition, tackle, and apparel to the same ship or vessel belonging, and shall and may be seized by any officer or officers of his Majesty's Customs: provided always, that nothing in this Act shall extend, or be construed to extend, to affect the privileges of any ship or vessel which shall prior to the commencement of this Act have been registered by virtue of an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the Registering of British Vessels."

but not to affect vessels registered under previous Act.

What ships are entitled to be registered.

V. And be it further enacted, that no ship or vessel shall be registered, or having been registered shall be deemed to be duly registered, by virtue of this Act, except such as are wholly of the built of the said United Kingdom, or of the Isle of Man, or of the Islands of Guernsey or Jersey, or of some of the colonies, plantations, islands, or territories in Asia, Africa, or America, or of Malta, Gibraltar, or Heligoland, which belong to his Majesty, his heirs or successors, at the time of the building of such ships or vessels, or such ships or vessels as shall have been condemned in any Court of Admiralty as prize of war, or such ships or vessels as shall have been condemned in any competent Court as forfeited for the breach of the laws made for the prevention of the slave trade, and which shall wholly belong and continue wholly to belong to his Majesty's subjects duly entitled to be owners of ships or vessels registered by virtue of this Act.

The sixth section regulates the issue of Mediterranean passes to ships belonging to Malta or Gibraltar.

Foreign repairs not to exceed 20s. per ton.

VII. And be it further enacted, that no ship or vessel shall continue to enjoy the privileges of a British ship after the same shall have been repaired in a foreign country, if such repairs shall exceed the sum of twenty shillings for every ton of the burthen of the said ship or vessel, unless such repairs shall have been necessary by reason of extraordinary damage

sustained by such ship or vessel during her absence from his Majesty's dominions, to enable her to perform the voyage in which she shall have been engaged, and to return to some port or place in the same dominions; and whenever any ship or vessel which has been so repaired in a foreign country shall arrive at any port in his Majesty's dominions as a British-registered ship or vessel, the master or other person having the command or charge of the same shall, upon the first entry thereof, report to the collector and controller of his Majesty's Customs at such port that such ship or vessel has been so repaired, under penalty of twenty shillings for every ton of the burthen of such ship or vessel, according to the admeasurement thereof; and if it shall be proved to the satisfaction of the Commissioners of his Majesty's Customs that such ship or vessel was seaworthy at the time when she last departed from any port or place in his Majesty's dominions, and that no greater quantity of such repairs have been done to the said vessel than was necessary as aforesaid, it shall be lawful for the said Commissioners, upon a full consideration of all the circumstances, to direct the collector and controller of the port where such ship or vessel shall have arrived, or where she shall then be, to certify on the certificate of the registry of such ship or vessel that it has been proved to the satisfaction of the Commissioners of his Majesty's Customs that the privileges of the said ship or vessel have not been forfeited, notwithstanding the repairs which have been done to the same in a foreign country.

The master on arrival to report such repairs.

Necessity of such repairs to be proved to Commissioners of Customs.

VIII. And be it further enacted, that if any ship or vessel registered under the authority of this or any other Act shall be deemed or declared to be stranded or unseaworthy, and incapable of being recovered, or repaired to the advantage of the owners thereof, and shall for such reasons be sold by order or decree of any competent Court for the benefit of the owners of such ship or vessel or other persons interested therein, the same shall be taken and deemed to be a ship or vessel lost or broken up to all intents and purposes within the meaning of this Act, and shall never again be entitled to the privileges of a British-built ship for any purposes of trade or navigation.

Ships declared unseaworthy to be deemed ships lost or broken up.

IX. And be it further enacted, that no British ship or vessel which has been or shall hereafter be captured by and become prize to an enemy or sold to foreigners shall again be entitled to the privileges of a British ship: provided always, that nothing contained in this Act shall extend to prevent the registering of any ship or vessel whatever, which shall afterwards be condemned in any Court of Admiralty as prize of war, or in any competent Court for breach of laws made for the prevention of the slave trade.

British ships captured not to be again entitled to registry; but ships condemned in Courts of Admiralty may be registered.

X. And be it further enacted, that no such registry shall hereafter be made, or certificate thereof granted, by any person or persons herein-before authorized to make such registry and grant such certificate, in any other port or place than the port or place to which such ship or vessel shall properly belong, except so far as relates to such ships or vessels as shall be condemned as prizes in any of the Islands of Guernsey, Jersey, or Man, which ships or vessels shall be registered in manner herein-after directed; but that all and every registry and certificate, made and granted in any port or place to which any such ship or vessel does not properly belong shall be utterly null and void to all intents and purposes, unless the officers aforesaid shall be specially authorized and empowered to make such registry and grant such certificate in any other port by an order in writing under the hands of the Commissioners of his Majesty's Customs, which order the said Commissioners are hereby authorized and empowered to issue if they shall see fit; and at every port where registry shall be made in pursuance of this Act a book shall be kept by the collector and controller, in which all the particulars contained in the form of the certificate of the registry herein-before directed to be used shall be

Ships shall be registered at the port to which they belong.

Commissioners of Customs may permit registry at other ports.

Book of register to be kept, and accounts to be transmitted to Commissioners.

duly entered; and every registry shall be numbered in progression, beginning such progressive enumeration at the commencement of each and every year: and such collector and controller shall forthwith, or within one month at the farthest, transmit to the Commissioners of his Majesty's Customs a true and exact copy, together with the number, of every certificate which shall be by them so granted.

Port to which vessels shall be deemed to belong.

Change of subscribing owners to require registry *de novo*.

XI. And be it further enacted, that every ship or vessel shall be deemed to belong to some port at or near to which some or one of the owners, who shall make and subscribe the declaration required by this Act before registry be made, shall reside; and whenever such owner or owners shall have transferred all his or their share or shares in such ship or vessel, the same shall be registered *de novo* before such ship or vessel shall sail or depart from the port to which she shall then belong, or from any other port which shall be in the same part of the United Kingdom, or the same colony, plantation, island, or territory as the said port shall be in: provided always, that if the owner or owners of such ship or vessel cannot in sufficient time comply with the requisites of this Act, so that registry may be made before it shall be necessary for such ship or vessel to sail or depart upon another voyage, it shall be lawful for the collector and controller of the port where such ship or vessel may then be to certify upon the back of the existing certificate of registry of such ship or vessel, that the same is to remain in force for the voyage upon which the said ship or vessel is then about to sail or depart: provided also, that if any ship or vessel shall be built in any of the colonies, plantations, islands, or territories in Asia, Africa, or America, to his Majesty belonging, for owners residing in the United Kingdom, and the master of such ship or vessel, or the agent for the owner or owners thereof, shall have produced to the collector and controller of the port at or near to which such ship or vessel was built, the certificate of the builder required by this Act, and shall have made and subscribed a declaration before such collector and controller of the names and descriptions of the principal owners of such ship or vessel, and that she is the identical ship or vessel mentioned in such certificate of the builder, and that no foreigner, to the best of his knowledge and belief, has any interest therein; the collector and controller of such port shall cause such ship or vessel to be surveyed and measured in like manner as is directed for the purpose of registering any ship or vessel, and shall give the master of such ship or vessel a certificate under their hands and seals, purporting to be under the authority of this Act, and stating when and where, and by whom, such ship or vessel was built, the description, tonnage, and other particulars required on registry of any ship or vessel, and such certificate shall have all the force and virtue of a certificate of registry under this Act, during the term of two years, unless such ship shall sooner arrive at some place in the United Kingdom; and such collector and controller shall transmit a copy of such certificate to the Commissioners of his Majesty's Customs.

If registry *de novo* cannot be made, ship may go one voyage with permission indorsed on certificate of registry.

Ships built in foreign possessions, for owners resident in United Kingdom, may have a certificate from the collector, &c. to trade for two years or until arrival in United Kingdom.

Persons residing in foreign countries may not be owners, unless members of British factories, or agents for, or partners in British houses, or member of merchants trading to Levant seas.

XII. And be it further enacted, that no person who has taken the oath of allegiance to any foreign state, except under the terms of some capitulation, unless he shall afterwards become a denizen or naturalized subject of the United Kingdom by his Majesty's Letters Patent, or by Act of Parliament, nor any person usually residing in any country not under the dominion of his Majesty, his heirs and successors, unless he be a member of some British factory, or agent for or partner in any house or copartnership actually carrying on trade in Great Britain or Ireland, shall be entitled to be the owner, in whole or in part, directly or indirectly, of any ship or vessel required and authorized to be registered by virtue of this Act; save and except that it shall be lawful for any person who was a member of the Company of Merchants trading to the Levant seas at the time of its dissolution, and who was a resident at any of the

factories of the said Company, to continue to hold any share or shares in any British-registered ship, of which, at the time of such residence, he was an owner or part owner, although such person shall continue to reside at any of the places where such factories had existed prior to the dissolution of the said Company.

XIII. And be it further enacted, that no registry shall henceforth be made, or certificate granted, until the following declaration be made and subscribed, before the person or persons herein-before authorized to make such registry and grant such certificate respectively, by the owner of such ship or vessel, if such ship or vessel is owned by or belongs to one person only, or in case there shall be two joint owners, then by both of such joint owners, if both shall be resident within twenty miles of the port or place where such registry is required, or by one of such owners, if one or both of them shall be resident at a greater distance from such port or place; or if the number of such owners or proprietors shall exceed two, then by the greater part of the number of such owners or proprietors, if the greater number of them shall be resident within twenty miles of such port or place as aforesaid, not in any case exceeding three of such owners or proprietors, unless a greater number shall be desirous to join in making and subscribing the said declaration, or by one of such owners, if all, or all except one shall be resident at a greater distance:

Declaration to be made by subscribing owners previous to registry.

Proportion of owners who shall subscribe and take the declaration.

"I, *A. B.*, of [*place of residence and occupation*] do truly declare, that the ship or "vessel [*name*] of [*port or place*], whereof [*master's name*] is at present master, being "[*kind of built, burthen, et cetera, as described in the certificate of the surveying* "*officer*] was [*when and where built, or, if prize, or forfeited, capture and con-* "*demnation as such*], and that I, the said *A. B.* [*and the other owners names and* "*occupations, if any, and where they respectively reside, videlicet, town, place,* "*or parish, and county, or if member of and resident in any factory in foreign* "*parts, or in any foreign town or city, being an agent for, or partner in, any house* "*or copartnership actually carrying on trade in* Great Britain *or* Ireland, *the name* "*of such factory, foreign town, or city, and the names of such house or copart-* "*nership*], am [*or* are] sole owner [*or* owners] of the said vessel, and that no other "person or persons whatever hath or have any right, title, interest, share, or property "therein or thereto; and that I, the said *A. B.* [*and the said other owners, if any*] am "[*or* are] truly and *bonâ fide* a subject [*or* subjects] of *Great Britain*; and that I "the said *A. B.*, have not [*nor have any of the other owners, to the best of my know-* "*ledge and belief*] taken the oath of allegiance to any foreign state whatever [*except* "*under the terms of some capitulation, describing the particulars thereof*], or that "since my taking [*or* his *or* their taking] the oath of allegiance to [*naming the foreign* "*states respectively to which he or any of the said owners shall have taken the same*], "I have [*or* he *or* they hath *or* have] become a denizen [*or* denizens, *or* naturalized "subject or subjects, *as the case may be*] of the United Kingdom of *Great Britain* "and *Ireland* by his Majesty's Letters Patent, *or* by an Act of Parliament [naming "*the times when such letters of denization have been granted respectively, or the* "*year or years in which such Act or Acts for naturalization have passed respectively*]; "and that no foreigner, directly or indirectly, hath any share or part interest in the said "ship or vessel."

Form of declaration.

Provided always, that if it shall become necessary to register any ship or vessel belonging to any corporate body in the United Kingdom, the following declaration, in lieu of the

declaration herein-before directed, shall be taken and subscribed by the secretary, or other proper officer of such corporate body; (that is to say),

"I, *A.B.*, secretary or officer of [*name of company or corporation*] do truly declare, "that the ship or vessel [*name*] of [*port*] whereof [*master's name*] is at present "master, being [*kind of built, burthen, et cetera, as described in the certificate of* "*the surveying officer*], was [*when and where built, or, if prize or forfeited, capture* "*and condemnation as such*], and that the same doth wholly and truly belong to [*name* "*of company or corporation*]."

Addition to declaration in case the required number of owners do not attend.

XIV. And be it further enacted, that in case the required number of joint owners or proprietors of any ship or vessel shall not personally attend to make and subscribe the declaration herein-before directed to be made and subscribed, then and in such case such owner or owners, proprietor or proprietors, as shall personally attend and make and subscribe the declaration aforesaid, shall further declare that the part owner or part owners of such ship or vessel then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves, in order to avoid the making the declaration herein-before directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said declaration.

Vessels to be surveyed previous to registry.

XV. And in order to enable the collector and controller of his Majesty's Customs to grant a certificate truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other officers of his Majesty's Customs, on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted; be it enacted, that previous to the registering or granting of any certificate of registry as aforesaid, some one or more person or persons appointed by the Commissioners of his Majesty's Customs (taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships) shall go on board of every such ship or vessel as is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel as to all and every particular contained in the form of the certificate herein-before directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master; and shall deliver a true and just account in writing of all such particulars of the built, description, and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited to the collector and controller authorized as aforesaid to make such registry and grant such certificate of registry; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Certificate of survey to be given; owner or master concurring therein.

Mode of admeasurement to ascertain tonnage.

XVI. And be it further enacted, that for the purpose of ascertaining the tonnage of ships or vessels the rule for admeasurement shall be as follows; (that is to say,) the length shall be taken on a straight line along the rabbet of the keel, from the back of the main stern-post to a perpendicular line from the fore part of the main stem under the bowsprit, from which subtracting three-fifths of the breadth, the remainder shall be esteemed the just length of the keel to find the tonnage; and the breadth shall be taken from the outside of the

outside plank in the broadest part of the ship, whether that shall be above or below the main wales, exclusive of all manner of doubling planks that may be wrought upon the sides of the ship; then multiplying the length of the keel by the breadth so taken, and that product by half the breadth, and dividing the whole by ninety-four, the quotient shall be deemed the true contents of the tonnage.

XVII. And whereas it would in some cases endanger ships or vessels to cause them to be laid on shore; be it therefore enacted, that in cases where it may be necessary to ascertain the tonnage of any ship or vessel when afloat, according to the foregoing rule, the following method shall be observed; (that is to say,) drop a plumb line over the stern of the ship, and measure the distance between such line and the after part of the stern-post at the load watermark, then measure from the top of the plumb line, in a parallel direction with the water, to a perpendicular point immediately over the load watermark at the fore part of the main stem, subtracting from such measurement the above distance, the remainder will be the ship's extreme, from which is to be deducted three inches for every foot of the load draught of water for the rake abaft, also three-fifths of the ship's breadth for the rake forward, the remainder shall be esteemed the just length of the keel to find the tonnage; and the breadth shall be taken from outside to outside of the plank in the broadest part of the ship, whether that shall be above or below the main wales, exclusive of all manner of sheathing or doubling that may be wrought on the side of the ship; then multiplying the length of the keel for tonnage by the breadth so taken, and that product by half the breadth, and dividing by ninety-four, the quotient shall be deemed the true contents of the tonnage. Mode of ascertaining tonnage when vessels are afloat.

XVIII. Provided always, and be it further enacted, that in each of the several rules herein-before prescribed, when used for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the length of the engine room shall be deducted from the whole length of such ship or vessel, and the remainder shall, for such purpose, be deemed the whole length of the same. Engine room in steam vessels to be deducted.

XIX. And be it further enacted, that whenever the tonnage of any ship or vessel shall have been ascertained according to the rule herein prescribed (except in the case of ships or vessels which have been admeasured afloat), such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel, unless it shall happen that any alteration has been made in the form and burthen of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed. Tonnage when so ascertained to be ever after deemed the tonnage.

XX. And be it further enacted, that at the time of the obtaining of the certificate of registry as aforesaid sufficient security by bond shall be given to his Majesty, his heirs and successors, by the master and such of the owners as shall personally attend, as is herein-before required, such security to be approved of and taken by the person or persons herein-before authorized to make such registry, and grant such certificate of registry at the port or place in which such certificate shall be granted, in the penalties following; (that is to say), if such ship or vessel shall be a decked vessel, or be above the burthen of fifteen tons and not exceeding fifty tons, then in the penalty of one hundred pounds; if exceeding the burthen of fifty tons and not exceeding one hundred tons, then in the penalty of three hundred pounds; if exceeding the burthen of one hundred tons and not exceeding two hundred tons, then in the penalty of five hundred pounds; if exceeding the burthen of two hundred tons and not exceeding three hundred Bond to be given at the time of registry.

tons, then in the penalty of eight hundred pounds; and if exceeding the burthen of three hundred tons, then in the penalty of one thousand pounds; and the condition of every such bond shall be, that such certificate shall not be sold, lent, or otherwise disposed of to any person or persons whatever, and that the same shall be solely made use of for the service of the ship or vessel for which it is granted; and that in case such ship or vessel shall be lost, or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port to which she belongs, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in his Majesty's dominions, to the collector and controller of some port in Great Britain, or of the Isle of Man, or of the British plantations, or to the governor, lieutenant-governor, or commander-in-chief for the time being of the islands of Guernsey or Jersey; and that if any foreigner, or any person or persons for the use and benefit of any foreigner, shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of the British colonies, plantations, islands, or territories aforesaid, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the person or persons herein-before authorized to make registry and grant certificate of registry at such port or place respectively as aforesaid; and if such ship or vessel shall be in any foreign port when such purchase or transfer of property shall take place, then that the certificate shall be delivered up to the British consul, or other chief British officer, resident at or nearest to such foreign port; or if such ship or vessel shall be at sea when such purchase or transfer of property shall take place, then that the certificate shall be delivered up to the British consul, or other chief British officer, at the foreign port or place in or at which the master or other person having or taking the charge or command of such ship or vessel shall first arrive after such purchase or transfer of property at sea, immediately after his arrival at such foreign port: but if such master or other person who had the command thereof at the time of such purchase or transfer of property at sea shall not arrive at a foreign port, but shall arrive at some port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of his Majesty's said colonies, plantations, islands, or territories, then that the certificate shall be delivered up, in manner aforesaid, within fourteen days after the arrival of such ship or vessel, or of the person who had the command thereof, in any port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of any of his Majesty's said colonies, plantations, islands, or territories: provided always, that if it shall happen that at the time of registry of any ship or vessel the same shall be at any other port than the port to which she belongs, so that the master of such ship or vessel cannot attend at the port of registry to join with the owner or owners in such bond as aforesaid, it shall be lawful for him to give a separate bond, to the like effect, at the port where such ship or vessel may then be, and the collector and controller of such other port shall transmit such bond to the collector and controller of the port where such ship or vessel is to be registered, and such bond, and the bond also given by the owner or owners, shall together be of the same effect against the master and owner or owners, or either of them, as if they had bound themselves jointly and severally in one bond.

Conditions that the certificate shall be solely made use of for the service of the vessel, or given up to be cancelled in certain cases.

If ship at the time of registry be at any other port than that of registry, the master may there give bond.

When master is changed new master to give similar bond, and

XXI. And be it further enacted, that when and so often as the master or other person having or taking the charge or command of any ship or vessel registered in manner herein-

before directed shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons herein-before authorized to make such registry and grant such certificates of registry at the port where such change shall take place the certificate of registry belonging to such ship or vessel, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof to the Commissioners of his Majesty's Customs: provided always, that before the name of such new master shall be indorsed on the certificate of registry he shall be required to give and shall give a bond in the like penalties and under the same conditions as are contained in the bond herein-before required to be given at the time of registry of any ship or vessel.

his name to be indorsed on certificate of registry.

XXII. And be it further enacted, that all bonds required by this Act shall be liable to the same duties of stamps as bonds given for or in respect of the duties of Customs are or shall be liable to under any Act for the time being in force for granting duties of Stamps.

Bonds liable to same duties of stamps as bonds for Customs.

XXIII. And be it further enacted, that if any person whatever shall at any time have possession of and wilfully detain any certificate of registry granted under this or any other Act, which ought to be delivered up to be cancelled according to any of the conditions of the bond herein-before required to be given upon the registry of any ship or vessel, such person is hereby required and enjoined to deliver up such certificate of registry in manner directed by the conditions of such bond in the respective cases and under the respective penalties therein provided.

Certificate of registry to be given up by all persons as directed by the bond.

XXIV. And be it further enacted, that it shall not be lawful for any owner or owners of any ship or vessel to give any name to such ship or vessel other than that by which she was first registered in pursuance of this or any other Act; and that the owner or owners of all and every ship or vessel which shall be so registered shall, before such ship or vessel, after such registry, shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground, on some conspicuous part of the stern, the name by which such ship or vessel shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same; and that if such owner or owners or master or other person having or taking the charge or command of such ship or vessel shall permit such ship or vessel to begin to take in any cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done (unless in the case of square rigged vessels in time of war), or shall in any written or printed paper, or other document, describe such ship or vessel by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described, by any other name to any officer or officers of his Majesty's revenue in the due execution of his or their duty, then and in every such case such owner or owners or master or other person having or taking the charge or command of such ship or vessel shall forfeit the sum of one hundred pounds.

Name of vessel which has been registered never afterwards to be changed, and to be painted on the stern.

Penalty for omission £100.

XXV. And be it further enacted, that all and every person and persons who shall apply for a certificate of the registry of any ship or vessel shall and they are hereby required to produce to the person or persons authorized to grant such certificate a true and full account, under the hand of the builder of such ship or vessel, of the proper denomination, and of the

Builder's certificate of particulars of ship.

time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, together with the name of the first purchaser or purchasers thereof (which account such builder is hereby directed and required to give under his hand on the same being demanded by such person or persons so applying for a certificate as aforesaid), and shall also make and subscribe a declaration before the person or persons herein-before authorized to grant such certificate that the ship or vessel for which such certificate is required is the same with that which is so described by the builder as aforesaid.

Declaration to be made thereto.

Certificate of registry lost or mislaid;

XXVI. And be it further enacted, that if the certificate of registry of any ship or vessel shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the Commisoners of his Majesty's Customs, such Commissioners shall and may permit such ship or vessel to be registered *de novo*, and a certificate thereof to be granted: provided always, that if such ship or vessel be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such Commissioners shall and may grant a licence for the present use of such ship or vessel, which licence shall, for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry granted under this Act: provided always, that before such registry *de novo* be made the owner or owners and master shall give bond to the Commissioners aforesaid in such sum as to them shall seem fit, with a condition that if the certificate of registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper officers of his Majesty's Customs to be cancelled, and that no illegal use has been or shall be made thereof with his or their privity or knowledge; and further, that before any such licence shall be granted as aforesaid the master of such ship or vessel shall also make and subscribe a declaration that the same has been registered as a British ship, naming the port where and the time when such registry was made, and all the particulars contained in the certificate thereof, to the best of his knowledge and belief, and shall also give such bond and with the same condition as is before-mentioned: provided also, that before any such licence shall be granted such ship or vessel shall be surveyed in like manner as if a registry *de novo* were about to be made thereof; and the certificate of such survey shall be preserved by the collector and controller of the port to which such ship or vessel shall belong; and in virtue thereof it shall be lawful for the said Commissioners and they are hereby required to permit such ship or vessel to be registered after her departure, whenever the owner or owners shall personally attend to take and subscribe the declaration required by this Act before registry be made, and shall also comply with all other requisites of this Act, except so far as relates to the bond to be given by the master of such ship or vessel; which certificate of registry the said Commissioners shall and may transmit to the collector and controller of any other port, to be by them given to the master of such ship or vessel, upon his giving such bond, and delivering up the licence which had been granted for the then present use of such ship or vessel.

Commissioners may permit registry *de novo*; or grant a licence. Bond respecting lost certificate of registry. Condition. Declaration to be made before licence be granted. Before licence be granted ship to be surveyed as if for registry; and registry may be made after departure of the ship; and certificate transmitted to be exchanged for the licence.

Persons detaining certificate of registry to forfeit £100.

XXVII. And whereas it is not proper that any person under any pretence whatever should detain the certificate or registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted; be it therefore enacted, that in case any person who shall have received or obtained by any means or for any purpose whatever the certificate of the registry of any ship or vessel (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or vessel, or not,) shall wilfully detain and refuse to deliver up the same to the proper officers

of his Majesty's Customs, for the purposes of such ship or vessel, as occasion shall require, or to the person or persons having the actual command, possession, and management of such ship or vessel as the ostensible and reputed master, or as the ostensible and reputed owner or owners thereof, it may and shall be lawful to and for any such last-mentioned person to make complaint on oath of such detainer and refusal to any justice of the peace residing near to the place where such detainer and refusal shall be in Great Britain or Ireland, or to any member of the Supreme Court of Justice or any justice of the peace in the islands of Jersey, Guernsey, or Man, or in any colony, plantation, island or territory to his Majesty belonging in Asia, Africa, or America, or in Malta, Gibraltar, or Heligoland, where such detainer and refusal shall be in any of the places last-mentioned; and on such complaint the said justice or other magistrate shall and is hereby required, by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal; and if it shall appear to the said justice or other magistrate, on examination of such person or otherwise, that the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be thereof convicted, and shall forfeit and pay the sum of one hundred pounds, and on failure of payment thereof he shall be committed to the common gaol, there to remain without bail or mainprize for such time as the said justice or other magistrate shall in his discretion deem proper, not being less than three months nor more than twelve months; and the said justice or other magistrate shall and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel, who shall, on the terms and conditions of law being complied with, make registry of such ship or vessel *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship or vessel was so registered *de novo*; and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the said warrant of the justice or other magistrate cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Commissioners of his Majesty's Customs, it shall be lawful for the said Commissioners to permit such ship or vessel to be registered *de novo*, or otherwise, in their discretion, to grant a licence for the present use of such ship or vessel in like manner as is herein-before provided in the case wherein the certificate of registry is lost or mislaid.

Justice to certify detainer, and ship to be registered *de novo*.

If person detaining certificate have absconded, ship may be registered as in case of lost certificate.

XXVIII. And be it further enacted, that if any ship or vessel, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, in such case such ship or vessel shall be registered *de novo*, in manner herein-before required, as soon as she returns to the port to which she belongs, or to any other port which shall be in the same part of the United Kingdom, or in the same colony, plantation, island, or territory, as the said port shall be in, on failure whereof such ship or vessel shall to all intents and purposes be considered and deemed and taken to be a ship or vessel not duly registered.

Ship altered in certain manner to be registered *de novo*.

XXIX. And be it further enacted, that the owner or owners of all such ships and vessels as shall be taken by any of his Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any Court of Admiralty, or of such ships or vessels as shall be condemned in any competent Court as forfeited for breach of the laws for the prevention of the slave trade, shall, for the purpose of registering such ship or vessel, produce to the collector and controller of his Majesty's Customs a certificate of the condemna-

Vessels condemned as prize, or for breach of laws against slave trade, certificate of condemnation to be produced.

tion of such ship or vessel, under the hand and seal of the judge of the Court in which such ship or vessel shall have been condemned (which certificate such judge is hereby authorized and required to grant,) and also a true and exact account in writing of all the particulars contained in the certificate herein-before set forth, to be made and subscribed by one or more skilful person or persons to be appointed by the Court then and there to survey such ship or vessel, and shall also make and subscribe a declaration before the collector and controller that such ship or vessel is the same vessel which is mentioned in the certificate of the judge aforesaid.

The 30th section has reference to ships condemned as prize, and belonging to residents in Guernsey, Jersey, or the Isle of Man.

Transfers of interest to be made by bill of sale; reciting certificate of registry.

Bill of sale not void by unimportant error of recital, &c.

XXXI. And be it further enacted, that when and so often as the property in any ship or vessel, or any part thereof, belonging to any of his Majesty's subjects, shall, after registry thereof, be sold to any other or others of his Majesty's subjects, the same shall be transferred by bill of sale or other instrument in writing, containing a recital of the certificate of registry of such ship or vessel, or the principal contents thereof, otherwise such transfer shall not be valid or effectual for any purpose whatsoever, either in law or in equity: provided always, that no bill of sale shall be deemed void by reason of any error in such recital, or by the recital of any former certificate of registry instead of the existing certificate, provided the identity of the ship or vessel intended in the recital be effectually proved thereby.

Property in ships to be divided into sixty-four parts or shares.

Declaration upon first registry to state the number of such shares held by each owner.

Smaller portions may be conveyed without stamp.

Partners may hold ships or shares without distinguishing proportionate interest of each owner.

XXXII. And be it further enacted, that the property in every ship or vessel of which there are more than one owner shall be taken and considered to be divided into sixty-four equal parts or shares, and the proportion held by each owner shall be described in the registry as being a certain number of sixty-fourth parts or shares; and that no person shall be entitled to be registered as an owner of any ship or vessel in respect of any proportion of such ship or vessel which shall not be an integral sixty-fourth part or share of the same; and upon the first registry of any ship or vessel the owner or owners who shall take and subscribe the declaration required by this Act before registry be made shall also declare the number of such parts or shares then held by each owner, and the same shall be so registered accordingly: provided always, that if it shall at any time happen that the property of any owner or owners in any ship or vessel cannot be reduced by division into any number of integral sixty-fourth parts or shares, it shall and may be lawful for the owner or owners of such fractional parts as shall be over and above such number of integral sixty-fourth parts or shares into which such property in any ship or vessel can be reduced by division to transfer the same one to another, or jointly to any new owner, by memorandum upon their respective bills of sale, or by fresh bill of sale, without such transfer being liable to any stamp duty; provided also, that the right of any owner or owners to any such fractional parts shall not be affected by reason of the same not having been registered: provided also, that it shall be lawful for any number of such owners, named and described in such registry, being partners in any house or copartnership actually carrying on trade in any part of his Majesty's dominions, to hold any ship or vessel, or any share or shares of any ship or vessel, in the name of such house or copartnership, as joint owners thereof, without distinguishing the proportionate interest of each of such owners, and that such ship or vessel or the share or shares thereof so held in copartnership shall be deemed and taken to be partnership property to all intents and purposes, and shall be governed by the same rules, both in law and equity, as relate to and govern all other partnership property in any other goods, chattels, and effects whatsoever.

XXXIII. And be it further enacted, that no greater number than thirty-two persons shall be entitled to be legal owners at one and the same time of any ship or vessel, as tenants in common, or to be registered as such: provided always, that nothing herein contained shall affect the equitable title of minors, heirs, legatees, creditors, or others, exceeding that number, duly represented by or holding from any of the persons within the said number, registered as legal owners of any share or shares of such ship or vessel: provided also, that if it shall be proved to the satisfaction of the Commissioners of his Majesty's Customs that any number of persons have associated themselves as a joint stock company, for the purpose of owning any ship or vessel, or any number of ships or vessels, as the joint property of such company, and that such company have duly elected or appointed any number, not less than three, of the members of the same to be trustees of the property in such ship or vessel or ships or vessels so owned by such company, it shall be lawful for such trustees or any three of them, with the permission of such Commissioners, to make and subscribe the declaration required by this Act before registry be made, except that instead of stating therein the names and descriptions of the other owners, they shall state the name and description of the company to which such ship or vessel or ships or vessels shall in such manner belong.

Only thirty-two persons to be owners of any ship at one time.

Not to affect the equitable title of heirs, &c.

Joint Stock Companies.

Trustees may apply to have registry made.

XXXIV. And be it further enacted, that no bill of sale or other instrument in writing shall be valid and effectual to pass the property in any ship or vessel, or in any share thereof, or for any other purpose, until such bill of sale or other instrument in writing shall have been produced to the collector and controller of the port at which such ship or vessel is already registered, or to the collector and controller of any other port at which she is about to be registered *de novo*, as the case may be, nor until such collector and controller respectively shall have entered in the book of such last registry, in the one case, or in the book of such registry *de novo*, after all the requisites of law for such registry *de novo* shall have been duly complied with, in the other case (and which they are respectively hereby required to do upon the production of the bill of sale or other instrument for that purpose), the name, residence, and description of the vendor or mortgagor, or of each vendor or mortgagor, if more than one, the number of shares transferred, the name, residence, and description of the purchaser or mortgagee, or of each purchaser or mortgagee, if more than one, and the date of the bill of sale or other instrument, and the production of it; and further, if such ship or vessel is not about to be registered *de novo*, the collector and controller of the port where such ship is registered shall and they are hereby required to indorse the aforesaid particulars of such bill of sale or other instrument on the certificate of registry of the said ship or vessel, when the same shall be produced to them for that purpose, in manner and to the effect following; *videlicit*,

Bills of sale not effectual until produced to officers of Customs, and entered in the book of registry or of intended registry.

> "Custom House [*port and date; name, residence, and description of vendor or* "*mortgagor*] has transferred by [*bill of sale or other instrument*] dated [*date, num-* "*ber of shares*] to [*name, residence, and description of purchaser or mortgagee.*]
>
> "*A. B.* Collector.
>
> "*C. D.* Controller."

Form of indorsement.

And forthwith to give notice thereof to the Commissioners of Customs; and in case the collector and controller shall be desired so to do, and the bill of sale or other instrument shall be produced to them for that purpose, then the said collector and controller are hereby required to certify, by indorsement upon the bill of sale or other instrument, that the particulars before mentioned have been so entered in the book of registry, and indorsed upon the certificate of registry as aforesaid.

Notice to Commissioners.

Entry of bill of sale to be valid, except in certain cases.

XXXV. And be it further enacted, that when and so soon as the particulars of any bill of sale or other instrument by which any ship or vessel, or any share or shares thereof, shall be transferred, shall have been so entered in the book of registry as aforesaid, the said bill of sale or other instrument shall be valid and effectual to pass the property thereby intended to be transferred as against all and every person and persons whatsoever, and to all intents and purposes, except as against such subsequent purchasers and mortgagees who shall first procure the indorsement to be made upon the certificate of registry of such ship or vessel in manner hereinafter mentioned.

When a bill of sale has been entered for any shares, thirty days shall be allowed for indorsing the certificate of registry, before any other bill of sale for the same shall be entered.

XXXVI. And be it further enacted, that when and after the particulars of any bill of sale or other instrument by which any ship or vessel, or any share or shares thereof, shall be transferred, shall have been so entered in the book of registry as aforesaid, the collector and controller shall not enter in the book of registry the particulars of any other bill of sale or instrument purporting to be a transfer by the same vendor or mortgagor or vendors or mortgagors of the same ship or vessel, share or shares thereof, to any other person or persons, unless thirty days shall elapse from the day on which the particulars of the former bill of sale or other instrument were entered in the book of registry; or in case the ship or vessel was absent from the port to which she belonged at the time when the particulars of such former bill of sale or other instrument were entered in the book of registry, then unless thirty days shall have elapsed from the day on which the ship or vessel arrived at the port to which the same belonged; and in case the particulars of two or more such bills of sale or other instruments as aforesaid shall at any time have been entered in the book of registry of the said ship or vessel, the collector and controller shall not enter in the book of registry the particulars of any other bill of sale or other instrument as aforesaid unless thirty days shall in like manner have elapsed from the day on which the particulars of the last of such bill of sale or other instrument were entered in the book of registry, or from the day on which the ship or vessel arrived at the port to which she belonged, in case of her absence as aforesaid; and in every case where there shall at any time happen to be two or more transfers by the same owner or owners of the same property in any ship or vessel entered in the book of registry as aforesaid, the collector and controller are hereby required to indorse upon the certificate of registry of such ship or vessel the particulars of that bill of sale or other instrument under which the person or persons claims or claim property who shall produce the certificate of registry for that purpose within thirty days next after the entry of his said bill of sale or other instrument in the book of registry as aforesaid, or within thirty days next after the return of the said ship or vessel to the port to which she belongs, in case of her absence at the time of such entry as aforesaid; and in case no person or persons shall produce the certificate of registry within either of the said spaces of thirty days, then it shall be lawful for the collector and controller, and they are hereby required, to indorse upon the certificate of registry the particulars of the bill of sale or other instrument to such person or persons as shall first produce the certificate of registry for that purpose, it being the true intent and meaning of this Act that the several purchasers and mortgagees of such ship or vessel, share or shares thereof, when more than one appear to claim the same property, or to claim security on the same property, in the same rank and degree, shall have priority one over the other, not according to the respective times when the particulars of the bill of sale or other instrument by which such property was transferred to them were entered in the book of registry as aforesaid, but according to the time when the endorsement is made upon the certificate of registry as aforesaid: provided always, that if the certificate of registry shall be lost or mislaid, or shall be detained by any person whatever, so that the indorsement cannot in due time be made thereon, and proof thereof shall

Nature of the priority intended in this Act.

Provision in case certificate be mislaid.

be made by the purchaser or mortgagee, or his known agent, to the satisfaction of the Commissioners of his Majesty's Customs, it shall be lawful for the said Commissioners to grant such further time as to them shall appear necessary for the recovery of the certificate of registry, or for the registry *de novo*, of the said ship or vessel under the provisions of this Act, and thereupon the collector and controller shall make a memorandum in the book of registers of the further time so granted, and during such time no other bill of sale shall be entered for the transfer of the same ship or vessel, or the same share or shares thereof, or for giving the same security thereon.

Bills of sale may be produced after entry at other ports than those to which vessels belong, and transfers indorsed on certificate of registry.

XXXVII. And be it further enacted, that if the certificate of registry of such ship or vessel shall be produced to the collector and controller of any port where she may then be, after any such bill of sale shall have been recorded at the port to which she belongs, together with such bill of sale, containing a notification of such record, signed by the collector and controller of such port as before directed, it shall be lawful for the collector and controller of such other port to indorse on such certificate of registry (being required so to do) the transfer mentioned in such bill of sale, and such collector and controller shall give notice thereof to the collector and controller of the port to which such ship or vessel belongs, who shall record the same in like manner as if they had made such indorsement themselves, but inserting the name of the port at which such indorsement was made: provided always, that the collector and controller of such other port shall first give notice to the collector and controller of the port to which such ship or vessel belongs of such requisition made to them to indorse the certificate of registry, and the collector and controller of the port to which such ship or vessel belongs shall thereupon send information to the collector and controller of such other port, whether any and what other bill or bills of sale have been recorded in the book of the registry of such ship or vessel; and the collector and controller of such other port having such information shall proceed in manner directed by this Act in all respects to the indorsing of the certificate of registry as they would do if such port were the port to which such vessel belonged.

Previous notice to be given to officers at the port of registry.

If upon registry *de novo* any bill of sale shall not have been recorded, the same shall then be produced.

XXXVIII. And be it further enacted, that if it shall become necessary to register any ship or vessel *de novo*, and any share or shares of such ship or vessel shall have been sold since she was last registered, and the transfer of such share or shares shall not have been recorded and indorsed in manner herein-before directed, the bill of sale thereof shall be produced to the collector and controller of his Majesty's Customs, who are to make registry of such ship or vessel, otherwise such sale shall not be noticed in such registry *de novo*, except as herein-after excepted; provided always, that upon the future production of such bill of sale, and of the existing certificate of registry, such transfer shall and may be recorded and indorsed as well after such registry *de novo* as before.

Bill of sale previous to registry may be recorded after registry.

Upon change of property registry *de novo* may be granted if desired, although not required by law.

XXXIX. And be it further enacted, that if upon any change of property in any ship or vessel the owner or owners shall desire to have the same registered *de novo*, although not required by this Act, and the owner or proper number of owners shall attend at the Custom-house at the port to which such ship or vessel belongs for that purpose, it shall be lawful for the collector and controller of his Majesty's Customs at such port to make registry *de novo* of such ship or vessel at the same port, and to grant a certificate thereof, the several requisites herein-before in this Act mentioned and directed being first duly observed and complied with.

Copies of declarations, &c. and of extracts from books of

XL. And whereas great inconvenience hath arisen from the registering officers being served with subpœnas requiring them to bring with them and produce, on trials in Courts of law

registry admitted in evidence.

relative to the ownery of vessels, or otherwise, the oaths or declarations required to be taken by the owners thereof prior to the registering thereof, and the books of registry, or copies or extracts therefrom: and whereas it would tend much to the dispatch of business if the attendance of such registering officers with the same upon such trials were dispensed with; be it therefore enacted, that the collector and controller of his Majesty's Customs at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request, by any person or persons whomsoever, produce and exhibit for his, her, or their inspection and examination any oath or declaration sworn or made by any such owner or owners, proprietor or proprietors, and also any register or entry in any book or books of registry required by this Act to be made or kept relative to any ship or vessel, and shall, upon every reasonable request by any person or persons whomsoever, permit him, her, or them to take a copy or copies or an extract or extracts thereof respectively; and that the copy and copies of any such oath or declaration, register or entry, shall, upon being proved to be a true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law, without the production of the original or originals, and without the testimony or attendance of any collector or controller, or other person or persons acting for them respectively, in all cases, as fully and to all intents and purposes as such original or originals, if produced by any collector or collectors, controller or controllers, or other person or persons acting for them, could or might legally be admitted or received in evidence.

Vessels or shares sold in the absence of owners without formal powers.

XLI. And be it further enacted, that if the ship or vessel, or the share or shares of any owner thereof who may be out of the kingdom, shall be sold in his absence by his known agent or correspondent, under his directions either expressed or implied, and acting for his interest in that behalf, and such agent or correspondent who shall have executed a bill of sale to the purchaser of the whole of such ship or vessel, or of any share or shares thereof, shall not have received a legal power to execute the same, it shall be lawful for the Commissioners of his Majesty's Customs, upon application made to them, and proof to their satisfaction of the fair dealings of the parties, to permit such transfer to be registered, if registry *de novo* be necessary, or to be recorded and indorsed, as the case may be, in manner directed by this Act, as if such legal power had been produced; and also if it shall happen that any bill of sale cannot be produced, or if, by reason of distance of time or the absence or death of parties concerned, it cannot be proved that a bill of sale for any share or shares in any ship or vessel had been executed, and registry *de novo* of such ship or vessel shall have become necessary, it shall be lawful for the Commissioners of his Majesty's Customs, upon proof to their satisfaction of the fair dealings of the parties, to permit such ship or vessel to be registered *de novo* in like manner as if a bill of sale for the transfer of such share or shares had been produced: provided always, that in any of the cases herein mentioned good and sufficient security shall be given to produce a legal power or bill of sale within a reasonable time, or to abide the future claims of the absent owner, his heirs and successors, as the case may be: and at the future request of the party whose property has been so transferred without the production of a bill of sale from him or from his lawful attorney, such bond shall be available for the protection of his interest, in addition to any powers or rights which he may have in law or equity against the ship or vessel, or against the parties concerned, until he shall have received full indemnity for any loss or injury sustained by him.

Commissioners may permit record of such sales or registry *de novo* as the case may require:

and in other cases where bills of sale cannot be produced:

security being given to produce legal powers or abide future claims.

Transfer by way of mortgage.

XLII. And be it further enacted, that when any transfer of any ship or vessel, or of any share or shares thereof, shall be made only as a security for the payment of a debt or debts, either by way of mortgage, or of assignment to a trustee or trustees for the purpose of selling

the same for the payment of any debt or debts, then and in every such case the collector and controller of the port where the ship or vessel is registered shall, in the entry in the book of registry, and also in the indorsement on the certificate of registry, in manner herein-before directed, state and express that such transfer was made only as a security for the payment of a debt or debts, or by way of mortgage, to that effect; and the person or persons to whom such transfer shall be made, or any other person or persons claiming under him or them as a mortgagee or mortgagees, or a trustee or trustees only, shall not by reason thereof be deemed to be the owner or owners of such ship or vessel, share or shares thereof, nor shall the person or persons making such transfer be deemed by reason thereof to have ceased to be an owner or owners of such ship or vessel, any more than if no such transfer had been made, except so far as may be necessary for the purpose of rendering the ship or vessel, share or shares so transferred, available by sale or otherwise for the payment of the debt or debts for securing the payment of which such transfer shall have been made.

Mortgagee not to be deemed an owner.

The 43d section protects the rights of mortgagees and assignees in case of the bankruptcy of the mortgagor or assignor.

XLIV. And be it further enacted, that it shall and may be lawful for any governor, lieutenant-governor, or commander-in-chief of any of his Majesty's colonies, plantations, islands, or territories, and they are hereby respectively authorized and required, if any suit, information, libel, or other prosecution or proceeding of any nature or kind whatever shall have been commenced or shall hereafter be commenced in any Court whatever in any of the said colonies, plantations, islands, or territories respectively, touching the force and effect of any register granted to any ship or vessel, upon a representation made to any such governor, lieutenant-governor, or commander-in-chief, to cause all proceedings thereon to be stayed, if he shall see just cause so to do, until his Majesty's pleasure shall be known and certified to him by his Majesty, by and with the advice of his Majesty's Privy Council; and such governor, lieutenant-governor, or commander-in-chief is hereby required to transmit to one of his Majesty's principal secretaries of state, to be laid before his Majesty in Council, an authenticated copy of the proceedings in every such case, together with his reasons for causing the same to be stayed, and such documents (properly verified) as he may judge necessary for the information of his Majesty.

Governors of colonies, &c. may cause proceedings in suits to be stayed.

XLV. And be it further enacted, that if any person or persons shall falsely make declaration to any of the matters herein-before required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person or persons shall for every such offence forfeit the sum of five hundred pounds.

Penalty of £500 on persons making false declaration, or falsifying any document.

XLVI. And be it further enacted, that all the penalties and forfeitures inflicted and incurred by this Act shall and may be sued for, prosecuted, recovered, and disposed of in such manner, and by such ways, means, and methods, as any penalties or forfeitures inflicted or which may be incurred for any offences committed against any law relating to the Customs may now legally be sued for, prosecuted, recovered, and disposed of; and that the officer or

How penalties are to be recovered,

and officers' shares.

officers concerned in seizures or prosecutions under this Act, shall be entitled to and receive the same share of the produce arising from such seizures as in the case of seizures for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty for any offence against this Act as any officer or officers is or are now by any law or regulation entitled to upon prosecutions for pecuniary penalties.

Act may be altered this session.

XLVII. And be it further enacted, that this Act may be altered, varied, or repealed by any Act or Acts to be passed in this session of Parliament.

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3 & 4 GULIELMI IV. Cap. LVI.

An Act *for granting Duties of Customs.*

[*28th August*, 1833.]

6 G. 4, c. 111.

Whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for granting Duties of Customs," whereby the several duties of Customs were consolidated in one Act: and whereas since the passing of the said Act divers Acts altering the said duties have been passed, and it will be of advantage to the trade and commerce of the country that the said several duties should be consolidated in one Act: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall commence upon the first day of September, one thousand eight hundred and thirty-three, except where any other commencement is herein particularly directed.

Commencement of Act.

Instead of all other duties of Customs (except on corn, &c.) there shall be paid and allowed the duties and drawbacks specified in the tables annexed.

II. And be it further enacted, that in lieu and instead of all other duties of Customs (except the duties upon corn, grain, meal, or flour), there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, upon goods, wares, and merchandize imported into or exported from the United Kingdom, the several duties of Customs, and there shall be allowed the several drawbacks, as the same are respectively inserted, described, and set forth in figures in the tables to this Act annexed, and denominated respectively "Table of Duties of Customs Inwards" and "Table of Duties of Customs Outwards."

The third section relates to drawbacks upon goods having paid duty under previous Acts. The fourth directs that the duties imposed by this Act shall be under the management of the Commissioners of Customs, and shall be administered under the Act for the general regulation of the Customs, 3 & 4 Wm. 4, cap. 52. The fifth gives certain powers to the Crown in reference to the Goods of countries withholding advantages from Great Britain. The sixth and seventh relate to a drawback on foreign rice or paddy exported after payment of duties and clearings.

VIII. And be it further enacted, that it shall be lawful for the importer of any goods subject to any duties of Customs to warehouse such goods upon the first entry thereof, under the laws in force for the warehousing of goods, without payment of duty upon such first entry; and that all goods which shall have been so warehoused before the commencement of any such duties, and shall remain so warehoused after the commencement of the same, shall become liable to such duties in lieu of all former duties. Warehousing of goods.

The ninth section declares the Cape of Good Hope and its dependencies to be, for the purposes of this Act, within the limits of the East-India Company's Charter; and the Island of Mauritius to be one of the sugar colonies of the Crown, and placed on the same footing as his Majesty's islands in the West-Indies.

X. And be it further enacted, that all goods the produce of places within the limits of the East-India Company's Charter, having been imported into Malta or Gibraltar from those places in British ships, shall, upon subsequent importation into the United Kingdom direct from Malta or Gibraltar, be liable to the same duties as the like goods would respectively be liable to if imported direct from some place within the limits of the said Charter. Produce of limits of Charter imported from Malta or Gibraltar.

The remaining sections relate to the accounts of the hereditary revenue of the Crown, to the payment of duties into the Exchequer, and to the appropriation of duties due before the 1st September of the year in which the Act passed, but not levied till after that day.

DUTIES OF CUSTOMS INWARDS.

A Table of the Duties of Customs payable on Goods, Wares, and Merchandize imported into the United Kingdom from Foreign Parts, and of the Drawbacks to be allowed on the Exportation of such Goods, Wares, and Merchandize.

[It is necessary to observe, that all the articles in this table, except spirits and wood, are, under 3 & 4 Vic., cap. 17, subject to an additional duty of 5 per cent. on the amount with which they were previously chargeable. For the additional duties on spirits and wood, see the note at the end.

The extent of the table renders it necessary to exclude many articles: for any not inserted, reference must be made to the Act.]

		£	s.	d.
Alkali, natural Alkali, imported from places within the limits of the East-India Company's Charter	the cwt.	0	2	0
Aloes, the produce of and imported from any British possession	the lb.	0	0	2

		£	s.	d.
Arrow Root, the produce of and imported from any British possession,	the cwt.	0	1	0
Asphaltum ...	the cwt.	See note at end of table.		
Beads, Arango ...	for every 100*l.* of the value	20	0	0
Benjamin or Benzoin ...	the cwt.	0	4	0
Boracic Acid ...	the cwt.	0	4	0
Borax or Tincal ...	the cwt.	0	4	0
——— refined ...	the cwt.	0	10	0
Camphor ...	the cwt.	0	1	0
——— refined ...	the cwt.	2	0	0
Canes, *viz.*				
——— Bamboo ...	the 1,000	0	5	0
——— Rattans, not ground ...	the 1,000	0	5	0
Caoutchouc ...	the cwt.	0	1	0
Cardamoms ...	the lb.	0	1	0
——— Extract or Preparation of. *See* Extract.				
Cassia, *viz.*				
——— Buds ...	the lb.	0	1	0
——— Fistula ...	the lb.	See note at end of table.		
——— Lignea ...	...	See note at end of table.		
——— - - - imported from any British possession ...	the lb.	0	0	6
China Root ...	the lb.	0	0	3
Cloves imported from any British possession in Asia, Africa, or America		See note at end of table.		
Coculus Indicus ...	the lb.	0	2	6
——— Extract or Preparation of. *See* Extract.				
Coffee imported from any British possession within the limits of the East-India Company's Charter ...	the lb.	See note at end of table.		
——— imported from any other place within those limits ...	the lb.	0	1	0
Coir Rope, Twine, and Strands ...	the cwt.	0	5	0
——— old, and fit only to be made into mats ...	the ton	0	5	0
Colocynth ...	the lb.	0	0	2
Copper, the produce of and imported from any British possession within the limits of the East-India Company's Charter, *viz.*				
- - - ore ...	the cwt.	0	1	0
- - - old, fit only to be remanufactured ...	the cwt.	0	9	2
- - - in plates and copper coin ...	the cwt.	0	15	0
- - - unwrought, *viz.* in bricks or pigs, rose copper, and all cast copper ...	the cwt.	0	9	2
- - - in part wrought, *viz.* bars, rods, or ingots, hammered or raised ...	the cwt.	1	11	3
- - - manufactures of copper not otherwise enumerated or described, and copper plates, engraved, for every 100*l.* of the value ...		30	0	0
Cotton, *viz.*				
——— Manufactures of -	for every 100*l.* of the value	10	0	0

Article	Rate	£	s.	d.
Cotton, Articles of manufactures of Cotton wholly or in part made up, not otherwise charged with duty, for every 100*l.* of the value ...		20	0	0
——— Wool, or Waste of Cotton Wool. *See* Wool.				
Cubebs	the lb.	0	0	6
Ebony, the produce of, and imported from, any British possession	the ton	0	3	0
Extract, *viz.*				
——— Cardamoms, ——— Coculus Indicus, ——— Nux Vomica, } Extract or Preparation of, for every 100*l.* of the value ...		75	0	0
——— Opium, Extract or Preparation of, for every 100*l.* of the value ...		25	0	0
Garnets	the lb.	0	10	0
——— cut	the lb.	1	10	0
Ginger, the produce of, and imported from, any British possession	the cwt.	0	11	0
- - - preserved	the lb.	0	0	1
Ginseng	the cwt.	0	4	0
Gum, *viz.* Animi, Copal, Arabic, Senegal, Tragacanth, Lac Dye, Shellac, Storax, Assafœtida, Ammoniacum, Kino, Guiacum, and other Gum not otherwise charged	the cwt.	0	6	0
Hair, *viz.*				
——— Camels' Hair or Wool	the lb.	0	0	1
- - - - the Produce of, and imported from, any British possession		Free.		
——— Goat's Hair. *See* Wool.				
——— Manufactures of Hair, or Goat's Wool, or of Hair or Goat's Wool and any other material wholly or in part made up, not particularly enumerated, or otherwise charged with duty, for every 100*l.* of the value ...		30	0	0
Hemp, dressed	the cwt.	4	15	0
——— rough or undressed, or any other vegetable substance of the nature and quality of undressed Hemp, and applicable to the same purposes	the cwt.	0	0	1
Horns, horn tips, and pieces of horns, not otherwise charged with duty...	the cwt.	See note at end of table.		
Indigo the produce of, and imported from, any British possession	the lb.	0	0	3
Iron in bars or unwrought, the produce of, and imported from, any British possession	the ton	0	2	6
——— Ore	the ton	0	5	0
——— Chromate of Iron	the ton	0	5	0
Lac, *viz* stick lac	the cwt.	0	1	0
Mace, imported from any British possession within the limits of the East-India Company's Charter	the lb.	See note at end of table.		
Madder	the cwt.	0	2	0
——— Root	the cwt.	0	0	6
Myrrh	the cwt.	0	6	0

		£.	s.	d.
Nutmegs, imported from any British possession within the limits of the East-India Company's Charter	the lb.	0	2	6
(See also note at end of table.)				
Nux Vomica	the lb.	0	2	6
——— Extract or preparation of. *See* Extract.				
Oil of Castor, the produce of, and imported from, any British possession	the cwt.	See note at end of table.		
—— Chemical, Essential or Perfumed—of Cloves	the lb.	0	14	0
—— - - - - - - - - - - - - - - - of Cassia, Otto of Roses, and all other sorts except Carraway, Cloves, Lavender, Mint, Peppermint, and Spike	the lb.	0	1	4
— of Hemp Seed imported from any British possession ...	the tun	1	0	0
— of Linseed imported from any British possession ...	the tun	1	0	0
Olibanum	the cwt.	0	6	0
Opium	the lb.	0	4	0
——— Extract or preparation of. *See* Extract.				
Pepper of all sorts imported from any British possession within the limits of the East-India Company's Charter	the lb.	See note at end of table.		
——— imported from any other place within those limits ...	the lb.			
Rice, the produce of, and imported from, any British possession, *viz.*				
- - - not being rough and in the husk	the cwt.	0	1	0
- - - rough and in the husk or paddy	the quarter	0	0	1
Rhubarb	the lb.	0	1	0
Safflower	the cwt.	0	1	0
Sago	the cwt.	0	1	0
Sal Ammoniac	the cwt.	0	1	0
Saltpetre	the cwt.	0	0	6
Sapan Wood	the ton	0	1	0
Sassafras	the cwt.	0	2	0
Seed, Aniseed	the cwt.	0	5	0
—— Linseed	the quarter	0	1	0
Senna	the lb.	0	0	6
Silks, *viz.*				
—— Knubs or husks of silk, and waste silk	the cwt.	0	1	0
—— Raw Silk	the lb.	0	0	1
—— Thrown Silk, not dyed, *viz.*				
- - - - Singles	the lb.	0	1	6
- - - - Tram	the lb.	0	2	0
- - - - Organzine and Crape Silk	the lb.	0	3	6
—— Thrown Silk, dyed, *viz.*				
- - - - Singles or Tram	the lb.	0	3	0
- - - - Organzine or Crape Silk	the lb.	0	5	2

		£.	s.	d.
Silk, *continued.*				
—— Manufactures of Silk, or of Silk mixed with any other material, the produce of, and imported from, British possessions within the limits of the East-India Company's Charter ...	for every 100*l.* of the value	20	0	0
Soap, the produce of, and imported from, any British possession in the East-Indies, *viz.*				
- - - - hard	the cwt.	1	8	0
- - - - soft	the cwt.	1	3	0
Spirits or Strong Waters of all sorts, *viz.*				
- - - Spirits or Strong Waters, the produce of any British possession within the limits of the East-India Company's Charter, not being sweetened Spirits or Spirits mixed with any article, so that the degree of strength thereof cannot be exactly ascertained by Sikes's Hydrometer	the gallon	0	15	0
(See also note at end of table.)				
- - - Spirits, Cordials, or Strong Waters respectively (not being the produce of any British possession in America), sweetened or mixed with any article, so that the degree of strength thereof cannot be exactly ascertained by Sikes's Hydrometer...	the gallon	1	10	0
(See also note at end of table.				
Sugar, *viz.*				
—— Brown or Muscovado or clayed, not being refined, the growth, produce, or manufacture of any British possession within the limits of the East-India Company's Charter, and imported from thence...	the cwt.	See note at end of table.		
—— Molasses, the produce of, and imported from, any British possession, ...	the cwt.	0	9	0
—— refined	the cwt.	8	8	0
—— Candy, Brown	the cwt.	5	12	0
—— White	the cwt.	8	8	0
Talc	the lb.	0	0	8
Teeth, *viz.* Elephant's, Sea Cow, Sea Horse, or Sea Morse Teeth,	the cwt.	See note at end of table.		
Terra, Japonica, or Catechu	the cwt.	0	1	0
Tobacco, unmanufactured	the lb.	0	3	0
—— manufactured, or Segars	the lb.	0	9	0
Tortoiseshell or Turtleshell, unmanufactured, imported from any British possession	the lb.	0	0	1
Turmerick, imported from any British possession	the cwt.	0	2	4
Vermilion	the lb.	0	0	6
Wood, *viz.*				
—— Teake Wood, imported from any British possession within the limits of the East-India Company's Charter, the load, containing 50 cubic feet		0	0	1
(See note at end of table.)				
- - - imported from any other place within those limits, the load, containing 50 cubic feet		0	10	0
(See note at end of table.)				

	£.	s.	d.
Wool, *viz.*			
——— Cotton Wool, or Waste of Cotton Wool			
- - - the produce of, and imported from, any British possession, the cwt.	0	0	4
Goats' Wool or Hair			
- - - the produce of, and imported from, any Britsh possession ...	Free.		
Woollens, *viz.*			
——— Manufactures of Wool not being Goats' Wool, or of Wool mixed with Cotton, not particularly enumerated or described, or otherwise charged with duty, for every £100. of the value ...	15	0	0
——— Articles of Manufactures of Wool (not being Goats' Wool), or of Wool mixed with Cotton, wholly or in part made up, not otherwise charged with duty, for every £100. of the value ...	20	0	0

By 5 & 6 Wm. 4, cap. 66, the duty on coffee, the produce of British possessions within the limits of the Charter, and imported from such possessions, is 6d. per pound. The mode of regulating the entry will be seen by reference to the Act.

By 6 & 7 Wm. 4, cap. 26, sec. 1, (continued by later enactments), the duty on sugar, the growth of British possessions within the limits of the Charter, into which the importation of foreign sugar may by that Act be prohibited and imported from thence, is, £1. 4s. per cwt. Section 3 prohibits the importation of sugar into the Presidency of Bengal and its dependencies, except by appointment of the Governor-general in Council; and section 4 excludes the districts thus excepted from the prohibition from the privilege of the lower rate of duty. The sugar of those British possessions in India into which importation is not prohibited, is subject to a duty of £1. 12s. per cwt.

The 7 Wm. 4 & 1st Vic. cap. 27, sec. 3, provides that on satisfactory proof being laid before her Majesty in Council, that the importation of sugar was prohibited in any British possession within the limits of the Charter, an order might issue from time to time to allow the importation of sugar from such possession at the reduced rate of duty. This provision was repeated in 1 & 2 Vic. cap. 33; 2 & 3 Vic. cap. 21; and 3 & 4 Vic. cap. 23. By Act No. 15 of 1839, the Government of India prohibited the importation of sugar into the territories subject to the presidency of Fort Saint George after the 10th June, 1840; and by an Order of the Queen in Council, dated 22d May, 1840, sugar, the produce of those territories, may be imported at the lower rate of duty, £1. 4s. per cwt.

By 6 & 7 Wm. 4, cap. 60, sec. 12, and 1 & 2 Vic. cap. 113, sec. 16, the rates of duty on the articles following are thus fixed :—Asphaltum 1s. per ton ; Cassia fistula, 1d. per lb. ; Castor oil, 1s. 3d. per cwt. ; Cloves, 6d. per lb. ; Elephants' teeth, 1s. per cwt. ; Horns, horn tips, and pieces of horns, 1s. per ton. ; Mace, 2s. 6d. per lb. ; Nutmegs, wild in the shell, 1s. per lb. ; Pepper, 6d. per lb.

By 3 & 4 Vic. cap. 17, an additional duty of 4d. per gallon is imposed on all spirits. The duties on the two descriptions of spirits noted in the table will consequently be 15s. 4d. and £1. 10s. 4d. respectively.

By 3 & 4 Vic. cap. 19, an additional duty of 1s. 6d. is imposed on all timber previously chargeable with any duty by the load of 50 cubic feet. The present duties on Teake wood are, therefore, according to the classification of the table, 1s. 7d. and 11s. 6d.

For duties on tea, see 5 & 6 Wm. 4, cap. 32.

The additional 5 per cent. duty on most articles has been noticed.

For duties payable in India, see Acts of Government of India, No. 14 of 1836, and No. 1 of 1838, in Appendix.

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3 & 4 GULIELMI IV. Cap. LIX.

An Act *to regulate the Trade of the British Possessions Abroad.*

[*28th August*, 1833.]

VII. And be it further enacted, that the several sorts of goods enumerated or described in the table following, denominated "A Table of Prohibitions and Restrictions," are hereby prohibited to be imported or brought, either by sea or by inland carriage or navigation, into the British possessions in America, or shall be so imported or brought only under the restrictions mentioned in such table, according as the several sorts of such goods are set forth therein; (that is to say), Goods prohibited or restricted to be imported into colonies.

A TABLE of PROHIBITIONS and RESTRICTIONS.

* * * * * * *

Coffee, (1)
Sugar,
Molasses,
Rum,

Being of foreign production, or the production of any place within the limits of the East-India Company's Charter, prohibited to be imported into any of the British possessions on the continent of South America, or in the West-Indies (the Bahama and Bermuda Islands not included), except to be warehoused for exportation only; and

may also be prohibited to be imported into the Bahama or the Bermuda Islands by his Majesty's Order in Council.

* * * * * * *

Goods imported contrary hereto forfeited.

And if any goods shall be imported or brought into any of the British possessions in America contrary to any of the prohibitions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited; and if the ship or vessel in which such goods shall be imported be of less burthen than seventy tons, such ship or vessel shall also be forfeited.

(1) [The 1 & 2 Vic. cap. 113, sec. 24, repeals so much of this Act as prohibits the importation of coffee the produce of British possessions within the limits of the Charter, into any of the British possessions in the West-Indies and into the Island of Mauritius.]

Duties of importation in America.

IX. And be it further enacted, that there shall be raised, levied, collected, and paid unto his Majesty the several duties of Customs, as the same are respectively set forth in figures in the table of duties herein-after contained, upon goods, wares, and merchandize imported or brought into any of his Majesty's possessions in America; (that is to say),

* * * * * * *

Duties payable upon Goods, Wares, and Merchandize, not being of the Growth, Production, or Manufacture of the United Kingdom, or of any of the British Possessions in America, imported or brought into any of the British Possessions in America, by Sea or by Inland Carriage or Navigation.

(A few only of the principal articles are mentioned here: for others it will be necessary to refer to the Act.)

Imported into any of the British possessions in America, *viz.*

		£.	s.	d.
——— Spirits, *viz.*				
- - - - Brandy, Geneva, or Cordials, and other Spirits, except Rum	the gal.	0	1	0
And further, the amount of any duty payable for the time being on Spirits the Manufacture of the United Kingdom.				
——— - - - - Rum	the gal.	0	0	6
And further, the amount of any duty payable for the time being on Rum of the British possessions in South America or the West Indies.				

* * * * * * *

		£.	s.	d.
——— Coffee	the cwt.	0	5	0
——— Cocoa	the cwt.	0	5	0
——— Sugar	the cwt.	0	5	0
——— Molasses	the cwt.	0	3	0

And further, the amount of any duty payable for the time being on Coffee, Cocoa, Sugar, and Molasses respectively, being the produce of the British possessions in South America or the West-Indies.

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		£.	s.	d.
Silk Manufactures	For every 100*l.* of value	30	0	0
Tobacco Manufactured	For every 100*l.* of value	20	0	0
Cotton Manufactures				

* * * * * * *

And if any of the goods herein-before mentioned shall be imported through the United Kingdom (having been warehoused therein and exported from the warehouse, or the duties thereon if there paid, having been drawn back) one-tenth part of the duties herein-imposed shall be remitted in respect of such goods.

Abatement of duty in certain cases.

A variety of articles, which are enumerated, are subjected to an *ad valorem* duty of seven and a half per cent. Goods not otherwise charged and not declared free, are chargeable with a duty of fifteen per cent. Among the articles admitted free of duty are the following:

Goods the produce of places within the limits of the East-India Company's Charter imported from those places, or from the United Kingdom, or from some other place in the British dominions.

The 49th section subjects goods imported into and exported from the Island of Mauritius to the same duties and regulations as in the West-India Islands.

LXXXI. And be it further enacted, that it shall be lawful for his Majesty, by and with the advice of his Privy Council, by any Order or Orders in Council to be issued from time to time, to give such directions and make such regulations touching the trade and commerce to and from any British possessions on or near the Continent of Europe, or within the Mediterranean Sea, or in Africa, or within the limits of the East-India Company's Charter (excepting the possessions of the said Company), as to his Majesty in Council shall appear most expedient and salutary, any thing in this Act to the contrary notwithstanding; and if any goods shall be imported or exported in any manner contrary to any such Order of his Majesty in Council, the same shall be forfeited, together with the ship importing or exporting the same. (1)

The King may regulate the trade of certain colonies.

(1) [Under the authority above given, an Order in Council was issued on the 10th of August, 1840, directing the levy of the following duties on goods imported into the Colony of the Cape of Good Hope:

		£.	s.	d.
Coffee, produce of British possessions	the cwt.	0	5	0
Pepper	the cwt.	0	4	0
Rice	the cwt.	0	1	6
Sugar, not refined, the produce of any British possession ...	the cwt.	0	2	3
—— Refined or Candy, not manufactured in the United Kingdom	the cwt.	0	6	0
Spirits, being the manufacture of any British possession not exceeding the strength of proof by Sikes's hydrometer ...	the imperial gal.	0	0	4

		£	s	d.
Tea	the lb.	0	0	4½
Tobacco, not manufactured	the cwt.	0	12	0
——— manufactured (not Cigars)	the cwt.	1	0	0
——— Cigars	the 1,000	0	5	0
Goods not otherwise charged, and not declared free, being the produce of the United Kingdom, or of her Majesty's possessions, for every 100*l*. of the value		3	0	0

[The new scale of duties was to come into operation when made known by a proclamation from the Governor. For any articles omitted here the Order in Council must be consulted.]

Certificate of production of East-India sugar.

LXXXIII. And be it further enacted, that it shall be lawful for any person, being the shipper of any sugar the produce of some British possession within the limits of the East-India Company's Charter, to be exported from any place in such possession, to go before the collector or controller or other chief officer of the Customs at such place, or if there be no such officer of the Customs, to go before the principal officer of such place, or the judge or commercial resident of the district, and make and sign an affidavit before him that such sugar was really and *bonâ fide* the produce of such British possession, to the best of his knowledge and belief; and such officer, judge, or resident, is hereby authorized and required to administer such affidavit, and to grant a certificate thereof, setting forth in such certificate the name of the ship in which the sugar is to be exported, and the destination of the same.

Ships built prior to 1st January, 1816, deemed British ships within certain limits.

LXXXIV. And be further enacted, that all ships built at any place within the limits of the East-India Company's Charter prior to the first day of January one thousand eight hundred and sixteen, and which then were and have continued ever since to be solely the property of his Majesty's subjects, shall be deemed to be British ships, for all the purposes of trade within the said limits, including the Cape of Good Hope, anything in this Act, or in any other Act or Acts passed in this present session of Parliament, to the contrary notwithstanding.

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3 & 4 GULIELMI IV. Cap. LXXIII.

An Act *for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves.* [28*th August*, 1833.]

Act not to extend to East-Indies, &c.

LXIV. And be it further enacted, that nothing in this Act contained doth or shall extend to any of the territories in the possession of the East-India Company, or to the island of Ceylon, or to the island of Saint Helena.

3 & 4 GULIELMI IV. Cap. LXXXII.

An Act *to allow the People called Separatists to make a solemn Affirmation and Declaration instead of an Oath.* [28*th August*, 1833.]

Whereas there are in various places in Ireland, and in some parts of England, and elsewhere, certain Dissenters from the United Church of England and Ireland and from the Church of Scotland, commonly called Separatists, the members of which class or sect of Dissenters, from conscientious scruples, refuse to take an oath in Courts of justice and other places, and in consequence thereof are exposed to great losses and inconveniences in their trades and concerns, and are subject to fines and imprisonment for contempt of Court, and the community at large are deprived of the benefit of their testimony: and whereas it is therefore expedient that the said sect called Separatists should be relieved in manner hereinafter mentioned; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that every person for the time being belonging to the said sect called Separatists, who shall be required upon any lawful occasion to take an oath in any case where by law an oath is or may be required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following: *videlicet*,

Separatists, instead of an oath, may make affirmation.

> " I, *A. B.*, do, in the presence of Almighty God, solemnly, sincerely, and truly affirm " and declare that I am a member of the religious sect called Separatists, and that " the taking of any oath is contrary to my religious belief, as well as essentially op- " posed to the tenets of that sect; and I do also in the same solemn manner affirm and " declare."

Which said solemn affirmation or declaration shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all Courts of justice and other places whatsoever, where by law an oath is or may be required, as if such Separatists had taken an oath in the usual form.

Such affirmation shall have the effect of an oath.

II. And be it further enacted, that if any person making such solemn affirmation or declaration shall in fact not be one of the people commonly called Separatists, or shall wilfully, falsely, and corruptly affirm or declare any other matter or thing which if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties and forfeitures as by the law and statues of this kingdom are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

Persons making a false affirmation to be subject to the same punishment as for perjury.

Vide 3 & 4 Wm. 4, cap. 49, and 1 & 2 Vic. cap. 77, as to Quakers and Moravians.

3 & 4 GULIELMI IV. Cap. LXXXV.

An Act *for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories, till the Thirtieth day of April, one thousand eight hundred and fifty-four.* [28*th August,* 1833.]

53 G. 3, c. 155.

Whereas by an Act passed in the fifty-third year of the reign of his Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," the possession and government of the British territories in India were continued in the United Company of Merchants of England trading to the East-Indies for a term therein mentioned: and whereas the said Company are entitled to or claim the lordships and islands of St. Helena and Bombay under grants from the Crown, and other property to a large amount in value, and also certain rights and privileges not affected by the determination of the term granted by the said recited Act; and whereas the said Company have consented that all their rights and interests to or in the said territories, and all their territorial and commercial, real and personal assets and property whatsoever, shall, subject to the debts and liabilities now affecting the same, be placed at the disposal of Parliament in consideration of certain provisions herein-after mentioned, and have also consented that their right to trade for their own profit in common with other his Majesty's subjects be suspended during such time as the government of the said territories shall be confided to them: and whereas it is expedient that the said territories now under the government of the said Company be continued under such government, but in trust for the Crown of the United Kingdom of Great Britain and Ireland, and discharged of all claims of the said Company to any profit therefrom to their own use, except the dividend herein-after secured to them, and that the property of the said Company be continued in their possession and at their disposal, in trust for the Crown, for the service of the said government, and other purposes in this Act mentioned: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that from and after the twenty-second day of April, one thousand eight hundred and thirty-four, the territorial acquisitions and revenues mentioned or referred to in the said Act of the fifty-third year of his late Majesty King George the Third, together with the port and island of Bombay, and all other territories now in the possession and under the government of the said Company, except the island of St. Helena, shall remain and continue under such government until the thirtieth day of April, one thousand eight hundred and fifty-four: and that all the lands and hereditaments revenues, rents, and profits of the said Company, and all the stores, merchandize, chattels, monies, debts, and real and personal estate whatsoever, except the said island of St. Helena, and the stores and property thereon herein-after mentioned, subject to the debts and liabilities now affecting the same respectively, and the benefit of all contracts, covenants, and engagements, and all rights to fines, penalties, and forfeitures, and other emoluments whatsoever, which the said Company shall be seised or possessed of or entitled unto on the said twenty-second day of April one thousand eight hundred and thirty-four, shall remain and be vested in, and be held, received, and exercised respectively, according to the nature and quality,

The British territories in India to remain under the government of the Company till 30th April, 1854.

Real and personal property of the Company to be held in trust for the Crown, for the service of India.

estate and interest of and in the same respectively, by the said Company, in trust for his Majesty, his heirs and successors, for the service of the government of India, discharged of all claims of the said Company to any profit or advantage therefrom to their own use, except the dividend on their capital stock, secured to them as herein-after is mentioned, subject to such powers and authorities for the superintendence, direction, and control over the acts, operations, and concerns of the said Company as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act.

All privileges, powers, &c. granted by 53 G. 3, c. 155, for the term thereby limited;

and all enactments not repugnant to this Act;

as also all rights and immunities of the Company, to be in force until April, 1854, subject to control.

II. And be it enacted, that all and singular the privileges, franchises, abilities, capacities, powers, authorities, whether military or civil, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever, granted to or continued in the said United Company by the said Act of the fifty-third year of King George the Third, for and during the term limited by the said Act, and all other the enactments, provisions, matters, and things contained in the said Act, or in any other Act or Acts whatsoever which are limited, or may be construed to be limited, to continue for and during the term granted to the said Company by the said Act of the fifty-third year of King George the Third, so far as the same or any of them are in force and not repealed by or repugnant to the enactments herein-after contained, and all powers of alienation and disposition, rights, franchises, and immunities, which the said United Company now have, shall continue and be in force, and may be exercised and enjoyed, as against all persons whomsoever, subject to the superintendence, direction, and control herein-before mentioned, until the thirtieth day of April, one thousand eight hundred and fifty-four.

From 22d April, 1831, China and tea trade of Company to cease.

III. Provided always, and be it enacted, that from and after the said twenty-second day of April, one thousand eight hundred and thirty-four, the exclusive right of trading with the dominions of the Emperor of China, and of trading in tea, continued to the said Company by the said Act of the fifty-third year of King George the Third shall cease.

Company to close their commercial business, and to sell their property not retained for Government.

IV. And be it enacted, that the said Company shall, with all convenient speed after the said twenty-second day of April, one thousand eight hundred and thirty-four, close their commercial business, and make sale of all their merchandize, stores, and effects at home and abroad, distinguished in their account books as commercial assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever which may not be retained for the purposes of the Government of the said territories, and get in all debts due to them on account of the commercial branch of their affairs, and reduce their commercial establishments as the same shall become unnecessary, and discontinue and abstain from all commercial business which shall not be incident to the closing of their actual concerns, and to the conversion into money o the property herein-before directed to be sold, or which shall not be carried on for the purposes of the said Government.

Company not prevented selling goods the property of other persons.

V. Provided always, and be it enacted, that nothing herein contained shall prevent the said Company from selling, at the sales of their own goods and merchandize by this Act directed or authorized to be made, such goods and merchandize the property of other persons as they may now lawfully sell at their public sales.

Board of Control to superintend the sale of the property, the reduction of the commercial establishments, payment of commercial claims, &c.

VI. And be it enacted, that the Board of Commissioners for the affairs of India shall have full power to superintend, direct, and control the sale of the said merchandize, stores, and effects, and other property herein-before directed to be sold, and to determine from time to time, until the said property shall be converted into money, what parts of the said commercial

establishments shall be continued and reduced respectively, and to control the allowance and payment of all claims upon the said Company connected with the commercial branch of their affairs, and generally to superintend and control all acts and operations whatsoever of the said Company whereby the value of the property of the said Company may be effected; and the said Board shall and may appoint such officers as shall be necessary to attend upon the said Board during the winding up of the commercial business of the said Company; and that the charge of such salaries or allowances as his Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct to be paid to such officers, shall be defrayed by the said Company, as herein-after mentioned, in addition to the ordinary charges of the said Board.

Board to appoint officers to attend them during the winding-up of the commercial business.

The Company may consider claims of commercial officers reduced, and, under the control of the Board, grant compensations.

VII. And be it enacted, that it shall be lawful for the said Company to take into consideration the claims of any persons now or heretofore employed by or under the said Company, or the widows and children of any such persons, whose interests may be effected by the discontinuance of the said Company's trade, or who may from time to time be reduced, and, under the control of the said Board, to grant such compensations, superannuations, or allowances (the charge thereof to be defrayed by the said Company as herein-after mentioned) as shall appear reasonable: provided always, that no such compensations, superannuations, or allowances shall be granted until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament.

The particulars thereof to be laid before Parliament every year.

VIII. Provided always, and be it enacted, that within the first fourteen sitting days after the first meeting of Parliament in every year there be laid before both Houses of Parliament the particulars of all compensations, superannuations, and allowances so granted, and of the salaries and allowances directed to be paid to such officers as may be appointed by the said Board as aforesaid during the preceding year.

Company's debts and liabilities charged on India.

IX. And be it enacted, that from and after the said twenty-second day of April one thousand eight hundred and thirty-four, all the bond debt of the said Company in Great Britain, and all the territorial debt of the said Company in India, and all other debts which shall on that day be owing by the said Company, and all sums of money, costs, charges, and expenses which after the said twenty-second day of April one thousand eight hundred and thirty-four, may become payable by the said Company in respect or by reason of any covenants, contracts, or liabilities then existing, and all debts, expenses, and liabilities whatever which after the same day shall be lawfully contracted and incurred on account of the Government of the said territories, and all payments by this Act directed to be made, shall be charged and chargeable upon the revenues of the said territories; and that neither any stock or effects which the said Company may hereafter have to their own use, nor the dividend by this Act secured to them, nor the Directors or proprietors of the said Company, shall be liable to or chargeable with any of the said debts, payments, or liabilities.

While India is under government of the Company, their property to continue subject to execution.

X. Provided always, and be it enacted, that so long as the possession and government of the said territories shall be continued to the said Company, all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings, legal and equitable, against the said Company, in respect of such debts and liabilities as aforesaid, and the property vested in the said Company in trust as aforesaid shall be subject and liable to the same judgments and executions, in the same manner and form respectively as if the said property were hereby continued to the said Company to their own use.

XI. And be it enacted, that out of the revenues of the said territories there shall be paid to or retained by the said Company, to their own use, a yearly dividend after the rate of ten pounds ten shillings per centum per annum on the present amount of their capital stock; (1) the said dividend to be payable in Great Britain, by equal half-yearly payments, on the sixth day of January and the sixth day of July in every year; the first half-yearly payment to be made on the sixth day of July one thousand eight hundred and thirty-four.

A dividend of 10*l.* 10*s.* per cent. per annum, to be paid on Company's stock by half-yearly payments in Great Britain.

(1) [The original capital of the English Company trading to the East-Indies was £2,000,000. The 6th Anne, cap. 17 (under which the union of the two Companies was effected) authorized an increase of £1,200,000 to be raised by additional subscriptions of the Proprietors. This addition was made for the purpose of granting a loan to the Crown, and very stringent proceedings were prescribed with respect to those Proprietors who refused or neglected to pay up their quota of the additional subscription. By 26 Geo. 3, cap. 62, a further addition of £800,000 was sanctioned, and it was provided that the new stock might be subscribed at the rate of £160 per cent. The 29 Geo. 3, cap. 65, empowered the Company again to increase their capital stock by an addition of £1,000,000, and provision was granted to receive subscriptions for the increased amount at the rate of £170 per cent. A further extension took place under 33 Geo. 3, cap. 47, to the amount of £1,000,000, which was allowed to be raised at the rate of £200 per cent. The 37 Geo. 3, cap. 31, authorized an addition of £2,000,000. No increase of capital, however, took place under that Act, and the Company were permitted by 47 Geo. 3, cap. 41, to raise the required sum on bond. The amount of capital stock thus remained at £6,000,000; of which, as has been shown, £800,000 was subscribed at a premium of 60 per cent., £1,000,000 at a premium of 70 per cent., and £1,000,000 at a premium of 100 per cent. The dividend secured on the suspension of the Company's trade is at the same rate as that paid without interruption from the year 1793, and which had been confirmed by 33 Geo. 3, cap. 52, and 53 Geo. 3, cap. 155.]

XII. Provided always, and be it enacted, that the said dividend shall be subject to redemption by Parliament upon and at any time after the thirtieth day of April, one thousand eight hundred and seventy-four, on payment to the Company of two hundred pounds sterling for every one hundred pounds of the said capital stock, together with a proportionate part of the same dividend, if the redemption shall take place on any other day than one of the said half-yearly days of payment: provided also, that twelve months' notice in writing, signified by the Speaker of the House of Commons by the order of the House, shall be given to the said Company of the intention of Parliament to redeem the said dividend.

Dividend to be subject to redemption by Parliament after April, 1874, on payment of £200 for £100 stock.

Notice of redemption.

If Company deprived of the government of India, they may demand redemption of the dividend.

XIII. Provided always, and be it enacted, that if on or at any time after the said thirtieth day of April, one thousand eight hundred and fifty-four, the said Company shall by the expiration of the term hereby granted, cease to retain, or shall by the authority of Parliament be deprived of the possession and government of the said territories, it shall be lawful for the said Company, within one year thereafter to demand the redemption of the said dividend, and provision shall be made for redeeming the said dividend, after the rate aforesaid, within three years after such demand.

Company to pay to Commissioners for Reduction of National Debt £2,000,000;

to be placed to account of Security Fund of the Company.

Monies and dividends to be laid out in securities, and dividends placed to the same account, until the whole amounts to twelve millions.

XIV. And be it enacted, that there shall be paid by the said Company into the Bank of England, to the account of the Commissioners for the Reduction of the National Debt, such sums of money as shall in the whole amount to the sum of two millions sterling, with compound interest after the rate of three pounds ten shillings per centum per annum, computed half-yearly, from the said twenty-second day of April, one thousand eight hundred and thirty-four, on so much of the said sums as shall from time to time remain unpaid; and the cashiers of the said Bank shall receive all such sums of money, and place the same to a separate account with the said Commissioners, to be intituled "The Account of the Security Fund of the India Company;" and that as well the monies so paid into the said Bank as the dividends or interest which shall arise therefrom, shall from time to time be laid out under the direction of the said Commissioners, in the purchase of capital stock in any of the redeemable Public Annuities, transferable at the Bank of England; which capital stock so purchased shall be invested in the names of the said Commissioners on account of the said Security Fund, and the dividends payable thereon shall be received by the said cashiers and placed to the said account, until the whole of the sums so received on such account shall have amounted to the sum of twelve millions sterling: and the said monies, stock, and dividends, or interest, shall be a Security Fund for better securing to the said Company the redemption of their said dividend after the rate herein-before appointed for such redemption.

Commissioners for Reduction of National Debt, upon requisition of Court, may raise money for paying the dividend in case of failure or delay of remittance of proper funds.

XV. Provided always, and be it enacted, that it shall be lawful for the said Commissioners for the Reduction of the National Debt from time to time, and they are hereby required, upon requisition made for that purpose by the Court of Directors of the said Company, to raise and pay to the said Company such sums of money as may be necessary for the payment of the said Company's dividend by reason of any failure or delay of the remittances of the proper funds for such payment; such sums of money to be raised by sale or transfer or deposit by way of mortgage of a competent part of the said Security Fund, according as the said Directors, with the approbation of the said Board, shall direct: to be repaid into the Bank of England to the account of the Security Fund, with interest after such rate as the Court of Directors, with the approbation of the said Court, shall fix, out of the remittances which shall be made for answering such dividend, as and when such remittances shall be received in England.

Application of dividends of Security Fund and the fund itself in aid of revenues.

XVI. Provided always, and be it enacted, that all dividends on the capital stock forming the said Security Fund, accruing after the monies received by the said Bank to the account of such fund shall have amounted to the sum of twelve millions sterling, until the said fund shall be applied to the redemption of the said Company's dividend, and also all the said Security Fund, or so much thereof as shall remain after the said dividend shall be wholly redeemed after the rate aforesaid, shall be applied in aid of the revenues of the said territories.

XVII. And be it enacted, that the said dividend on the Company's capital stock shall be paid or retained as aforesaid out of such part of the revenues of the said territories as shall be remitted to Great Britain, in preference to all other charges payable thereout in Great Britain; and that the said sum of two millions sterling shall be paid in manner aforesaid out of any sums which shall on the said twenty-second day of April, one thousand eight hundred and thirty four, be due to the said Company from the public as and when the same shall be received, and out of any monies which shall arise from the sale of any government stock on that day belonging to the said Company, in preference to all other payments thereout: and that, subject to such provisions for priority of charge, the revenues of the said territories, and all monies which shall belong to the said Company on the said twenty-second day of April, one thousand eight hundred and thirty-four, and all monies which shall be thereafter received by the said Company from and in respect of the property and rights vested in them in trust as aforesaid, shall be applied to the service of the government of the said territories and in defraying all charges and payments by this Act created, or confirmed and directed to be made respectively, in such order as the said Court of Directors, under the control of the said Board, shall from time to time direct; any thing in any other Act or Acts contained to the contrary notwithstanding.

Company's dividends to be paid out of revenues in preference to other charges, and £2,000,000 to be paid out of debt due from the public and by sale of stock.

Subject to such priorities, revenues, and monies to be applied to service of India and purposes of this Act, under control.

XVIII. Provided also, and be it enacted, that nothing herein contained shall be construed or operate to the prejudice of any persons claiming or to claim under a deed of covenants dated the tenth day of July, one thousand eight hundred and five, and made between the said Company of the one part, and the several persons whose hands should be thereto set and affixed, and who respectively were or claimed to be creditors of his highness the Nabob Wallah Jah, formerly Nabob of Arcot and of the Carnatic in the East-Indies, and now deceased, and of his Highness the Nabob Omduh ul Omrah, late Nabob of Arcot and of the Carnatic, and now also deceased, and of his Highness the Ameer ul Omrah, of the other part.

Not to prejudice persons claiming under a covenant between the Company and the creditors of the Nabobs of Arcot, &c.

XIX. And be it enacted, that it shall and may be lawful for his Majesty by any Letters Patent, or by any commission or commissions to be issued under the great seal of Great Britain from time to time to nominate, constitute, and appoint, during pleasure, such persons as his Majesty shall think fit to be, and who shall accordingly be and be styled, Commissioners for the affairs of India; and every enactment, provision, matter, and thing relating to the Commissioners for the affairs of India in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the Commissioners to be nominated as aforesaid.

His Majesty may appoint Commissioners for the affairs of India.

XX. And be it enacted, that the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the principal Secretaries of State, and the Chancellor of the Exchequer for the time being shall, by virtue of their respective offices, be and they are hereby declared to be Commissioners for the affairs of India, in conjunction with the persons to be nominated in any such commission as aforesaid, and they shall have the same powers respectively as if they had been expressly nominated in such commission, in the order in which they are herein mentioned, next after the Commissioner first named therein.

Ex officio Commissioners.

XXI. And be it enacted, that any two or more of the said Commissioners shall and may form a Board for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the Commissioners for the affairs of India; and that the Commissioner first named in any such Letters Patent or commission, for the time being

Two Commissioners may form a Board;

first-named to be President; in his absence the next in order.

shall be the President of the said Board; and that when any Board shall be formed in the absence of the President, the Commissioner next in order of nomination in this Act or in the said commission, of those who shall be present, shall for that turn preside at the said Board.

President and occasional President to have the casting vote.

XXII. And be it enacted, that if the Commissioners present at any Board shall be equally divided in opinion with respect to any matter by them discussed, then and on every such occasion the President, or in his absence the Commissioner acting as such, shall have two voices or the casting vote.

The Board to appoint two secretaries and other officers.

President, secretaries, and officers to be paid such salaries as the Crown shall direct.

XXIII. And be it enacted, that the said Board shall and may nominate and appoint two secretaries, and such other officers as shall be necessary, to attend upon the said Board, who shall be subject to dismission at the pleasure of the said Board; and each of the said secretaries shall have the same powers, rights, and privileges as by any Act or Acts now in force are vested in the chief secretary of the Commissioners for the affairs of India; and that the President of the said Board, but no other Commissioner as such, and the said secretaries and other officers, shall be paid by the said Company such fixed salaries as his Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct (1)

(1) [Provisions relating to the constitution, duties, and expenses of the Board, will be found in 33 Geo. 3, cap. 52, secs. 5, 6, & 8, and 53 Geo. 3, cap, 155, secs. 90 & 91.]

Secretaries and officers to take oaths if required by the Board.

XXIV. And be it enacted, that if at any time the said Board shall deem it expedient to require their secretaries and other officers of the said Board, or any of them, to take an oath of secrecy, and for the execution of the duties of their respective stations, it shall be lawful for the said Board to administer such oath as they shall frame for the purpose.

The Board of Commissioners to control all acts concerning India, and the sale of property.

XXV. And be it enacted, that the said Board shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said Company which in anywise relate to or concern the government or revenues of the said territories, or the property hereby vested in the said Company in trust as aforesaid, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever, out of or upon the said revenues and property respectively, except as herein-after is mentioned. (1)

(1) [*Vide* secs. 37 & 110 of this Act; also 28 Geo. 3, cap. 8, secs. 3 & 4, and 33 Geo. 3, cap. 52, secs. 17 & 18.]

Commissioners, secretaries, and officers, on 22d April, 1834, to continue until their appointments are revoked.

XXVI. And be it enacted, that the several persons who on the said twenty-second day of April, one thousand eight hundred and thirty-four, shall be Commissioners for the affairs of India, and secretaries and officers of such Board of Commissioners, shall continue and be Commissioners for the affairs of India, and secretaries and officers of the said Board respectively, with the same powers and subject to the same restrictions as to salaries as if they had been appointed by virtue of this Act, until by the issuing of new patents, commissions, or otherwise, their appointments shall be respectively revoked.

XXVII. And be it enacted, that if, upon the occasion of taking any ballot on the election of a Director or Directors of the said Company, any proprietor, who shall be resident within the United Kingdom, shall, by reason of absence, illness, or otherwise, be desirous of voting by letter of attorney, he shall be at liberty so to do, provided that such letter of attorney shall in every case express the name or names of the candidate or candidates for whom such proprietor shall be so desirous of voting, and shall be executed within ten days next before such election; and the attorney constituted for such purpose shall in every case deliver the vote he is so directed to give openly to the person or persons who shall be authorized by the said Company to receive the same; and every such vote shall be accompanied by an affidavit or affirmation to be made before a justice of the peace by the proprietor, directing the same to be given, to the same or the like effect as the oath or affirmation now taken by proprietors voting upon ballots at general Courts of the said Company, and in which such proprietor shall also state the day of the execution of such letter of attorney; and any person making a false oath or affirmation before a justice of the peace for the purpose aforesaid shall be held to have thereby committed wilful perjury; and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation before a justice of the peace as aforesaid, whereby he or she shall commit such wilful perjury, and shall thereof be convicted, he, she, or they, for every such offence, shall incur such pains and penalties as are provided by law against subornation of perjury. (1)

Proprietors may vote by attorney in election of Directors.

(1) [By 5 & 6 Wm. 4. cap. 64, sec. 6, letters or powers of attorney for voting on any election of a Director or Directors of the East-India Company are exempted from all stamp duties.]

XXVIII. And be it enacted, that so much of the Act of the thirteenth year of the reign of King George the Third, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company as well in India as in Europe," as enacts that no person employed in any civil or military station in the East-Indies, or claiming or exercising any power, authority, or jurisdiction therein, shall be capable of being appointed or chosen into the office of Director until such person shall have returned to and been resident in England for the space of two years, shall be and is hereby repealed: provided, that if the said Court of Directors, with the consent of the said Board, shall declare such person to be an accountant with the said Company, and that his accounts are unsettled, or that a charge against such a person is under the consideration of the said Court, such person shall not be capable of being chosen into the office of Director for the term of two years after his return to England, unless such accounts shall be settled, or such charge be decided on, before the expiration of the said term.

Repeal of restriction in 13 G. 3, c. 63, with respect to any person employed in the East-Indies being chosen Director.

If such person has unsettled accounts, he shall be ineligible for two years, unless they are sooner settled.

XXIX. And be it further enacted, that the said Court of Directors shall from time to time deliver to the said Board copies of all minutes, orders, resolutions, and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within eight days after the holding of such Courts respectively, and also copies of all letters, advices, and despatches whatever, which shall at any time or times be received by the said Court of Directors or any Committee of Directors, and which shall be material to be communicated to the said Board, or which the said Board shall from time to time require. (1)

Court to deliver to Board copies of minutes, &c. of Courts of Proprietors and Directors, and of all material letters and despatches.

(1) [*Vide* Section 34.]

No official communication to be sent by the Court until approved by the Board;

XXX. And be it enacted, that no orders, instructions, despatches, official letters, or communications whatever, relating to the said territories or the government thereof, or to the property or rights vested in the said Company in trust as aforesaid, or to any public matters whatever, shall be at any time sent or given by the said Court of Directors, or any Committee of the said Directors, until the same shall have been submitted for the consideration of and approved by the said Board; and for that purpose that copies of all such orders, instructions, despatches, official letters, or communications which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent or given, shall be by them previously laid before the said Board, and that within the space of two months after the receipt of such proposed orders, instructions, despatches, official letters, or communications, the said Board shall either return the same to the said Court of Directors or Committee of Directors, with their approbation thereof, signified under the hand of one of the secretaries of the said Board, by the order of the said Board; or if the said Board shall disapprove, alter, or vary in substance any of such proposed orders, instructions, despatches, official letters, or communications, in every such case the said Board shall give to the said Directors, in writing, under the hand of one of the secretaries of the said Board, by order of the said Board, their reason in respect thereof, together with their directions to the said Directors in relation thereto; and the sad Directors shall and they are hereby required forthwith to send the said orders, instructions, despatches, official letters, or communications, in the form approved by the said Board, to their proper destinations: provided always, that it shall be lawful for the said Board, by minutes from time to time to be made for that purpose and entered on the records of the said Board, and to be communicated to the said Court, to allow such classes of orders, instructions, despatches, official letters, or communications as shall in such minutes be described to be sent or given by the said Court without having been previously laid before the said Board.

except such classes of communications as the Board may allow.

If the Court omit to frame official communications for consideration of the Board, they may prepare them.

XXXI. And be it enacted, that whenever the said Court of Directors shall omit to prepare and submit for the consideration of the said Board any orders, instructions, despatches, official letters or communications, beyond the space of fourteen days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors any orders, instructions, despatches, official letters, or communications, together with their directions relating thereto; and the said Directors are hereby required forthwith to transmit the same to their proper destinations.

Court to send them.

Representations may be made by Court as to official communications; and Board to consider such representations, and give final orders.

XXXII. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing, within fourteen days, by representation in writing to the said Board, such remarks, observations, or explanations as they shall think fit touching or concerning any directions which they shall receive from the said Board; and that the said Board shall and they are hereby required to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further directions thereupon as they shall think fit and expedient, which shall be final and conclusive upon the said Directors.

If Court think the orders of Board contrary to law, the Court of King's Bench may certify their opinion on any case which may be agreed upon; such opinion to be conclusive.

XXXIII. And be it enacted, that if it shall appear to the said Court of Directors that any orders, instructions, despatches, official letters or communications, except such as shall pass through the Secret Committee, upon which directions may be so given by the said Board as aforesaid, are contrary to law, it shall be in the power of the said Board and the said Court of Directors to send a special case, to be agreed upon by and between them, and to be signed by the President of the said Board and the Chairman of the said Company, to three or more of the

judges of his Majesty's Court of King's Bench, for the opinion of the said judges; and the said judges are hereby required to certify their opinion upon any case so submitted to them, and to send a certificate thereof to the said President and Chairman; which opinion shall be final and conclusive.

XXXIV. Provided always, and be it enacted and declared, that the said Board shall not have the power of appointing any of the servants of the said Company, or of directing or interfering with the officers and servants of the said Company, (1) employed in the home establishment, nor shall it be necessary for the said Court of Directors to submit for the consideration of the said Board their communications with the officers or servants employed in their said home establishment, or with the legal advisers of the said Company.

Board not empowered to appoint officers of the Company, or to interfere with home officers.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 14.]

XXXV. And be it enacted, that the said Court of Directors shall from time to time appoint a Secret Committee, to consist of any number not exceeding three of the said Directors, for the particular purposes in this Act specified; which Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an oath of the tenor following; (that is to say,)

Directors to appoint a Secret Committee, who shall take the following oath.

> " I, *A. B.*, do swear, that I will, according to the best of my skill and judgment, faith-" fully execute the several trusts and powers reposed in me as a member of the Secret " Committee appointed by the Court of Directors of the India Company; I will not dis-" close or make known any of the secret orders, instructions, despatches, official letters or " communications which shall be sent or given to me by the Commissioners for the Affairs " of India, save only to the other members of the said Secret Committee, or to the person " or persons who shall be duly nominated and employed in transcribing or preparing the " same respectively, unless I shall be authorized by the said Commissioners to disclose " and make known the same.
>
> " So help me God."

Which said oath shall and may be administered by the several and respective members of the said Secret Committee to each other; and, being so by them taken and subscribed, shall be recorded by the secretary or deputy secretary of the said Court of Directors for the time being amongst the acts of the said Court. (1)

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 74.]

XXXVI. Provided also, and be it enacted, that if the said Board shall be of opinion that the subject matter of any of their deliberations concerning the levying war or making peace, or treating or negotiating with any of the native princes or states in India, or with any other princes or states, or touching the policy to be observed with respect to such princes or states intended to be communicated in orders, despatches, official letters, or communications, to any of the Governments or presidencies in India, or to any officers or servants of the said Company, shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders, despatches, official letters or communications, to the Secret Committee of the said Court of Directors to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the tenor thereof, or pursuant to the directions of the said Board, to the respective governments and pre-

If the Board are of opinion that any matters wherein Indian or other states are concerned require secrecy, the Board may send official communications through Secret Committee.

sidencies, officers and servants; and that the said governments and presidencies, officers and servants, shall be bound to pay a faithful obedience thereto, in like manner as if such orders, despatches, official letters or communications had been sent to them by the said Court of Directors. (1)

(1) [For further enactments respecting the Secret Committee and the persons employed under it, see 33 Geo. 3, cap. 52, sections 19, 21, & 22, and 53 Geo. 3, cap. 155, sections 73, 74, 75, & 76.]

The Court to submit to the Board an estimate of salaries of Directors and other expenses of the India-House, which shall be subject to reduction.

XXXVII. And be it enacted, that the said Court of Directors shall, before the twenty-second day of April, one thousand eight hundred and thirty four, and afterwards from time to time, so often as reductions of the establishment of the said Court, or other circumstances, may require, frame and submit to the said Board an estimate of the gross sum which will be annually required for the salaries of the Chairman, Deputy Chairman, and Members of the said Court, and the officers and secretaries thereof, and all other proper expenses fixed and contingent thereof, and of General Courts of Proprietors; and such estimate shall be subject to reduction by the said Board, so that the reasons for such reduction be given to the said Court of Directors; and any sum not exceeding the sum mentioned in such estimate, or (if the same shall be reduced) in such reduced estimate, shall be annually applicable, at the discretion of the Court of Directors, to the payment of the said salaries and expenses; and it shall not be lawful for the said Board to interfere with or control the particular application thereof, or to direct what particular salaries or expenses shall from time to time be increased or reduced: provided always, that such and the same accounts shall be kept and rendered of the sums to be applied in defraying the salaries and expenses aforesaid as of the other branches of the expenditure of the said Company.

The sum allowed to be applicable to such purposes, at discretion of the Court of Directors.

Accounts of application to be rendered.

Presidency of Fort William in Bengal to be divided into two Presidencies.

XXXVIII. And be it enacted, that the territories now subject to the government of the Presidency of Fort William in Bengal shall be divided into two distinct presidencies, one of such presidencies, in which shall be included Fort William aforesaid, to be styled the Presidency of Fort William in Bengal, and the other of such presidencies to be styled the Presidency of Agra; (1) and that it shall be lawful for the said Court of Directors, under the control by this Act provided, and they are hereby required to declare and appoint what part or parts of any of the territories under the government of the said Company shall from time to time be subject to the government of each of the several presidencies now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and such new distribution of the same as shall be deemed expedient.

The Court to declare the limits from time to time of the several Presidencies.

(1) [By 5 & 6 Wm. 4, cap. 52, the Court of Directors are authorized, with the approbation of the Board of Commissioners for the affairs of India, to suspend the execution of the contemplated division into two distinct presidencies. The same Act provides that during such suspension the Governor-general in Council may appoint a servant of the Company of ten years' residence to be Lieutenant-governor of the north-west provinces, under such limitations as may be prescribed. See note on that Act.]

XXXIX. And be it enacted, that the superintendence, direction, and control of the whole civil and military government of all the said territories and revenues in India shall be and is hereby vested in a Governor-general and counsellors, to be styled "The Governor-general of India in Council."

Government of India

XL. And be it enacted, that there shall be four ordinary members of the said Council, three of whom shall from time to time be appointed by the said Court of Directors from amongst such persons as shall be or shall have been servants of the said Company; and each of the said three ordinary members of Council shall at the time of his appointment have been in the service of the said Company for at least ten years; and if he shall be in the military service of the said Company, he shall not during his continuance in office as a member of Council hold any military command, or be employed in actual military duties; and that the fourth ordinary member of Council shall from time to time be appointed from amongst persons who shall not be servants of the said Company by the said Court of Directors, subject to the approbation of his Majesty, to be signified in writing by his royal sign manual, countersigned by the president of the said Board; provided that such last-mentioned member of Council shall not be entitled to sit or vote in the said Council except at meetings thereof for making laws and regulations; and it shall be lawful for the said Court of Directors to appoint the Commander-in-chief of the Company's forces in India, and if there shall be no such Commander-in-chief, or the offices of such Commander-in-chief and of Governor-general of India shall be vested in the same person, then the Commander-in-chief of the forces on the Bengal establishment to be an extraordinary member of the said Council, and such extraordinary member of Council shall have rank and precedence at the Council Board next after the Governor-general.

There shall be four ordinary councillors, three of whom shall be servants of the Company.

No military officer to hold any command whilst a member.

The fourth member not to be appointed from the Company's servants.

XLI. And be it enacted, that the person who shall be Governor-general of the Presidency of Fort William in Bengal on the twenty-second day of April, one thousand eight hundred and thirty-four, shall be the first Governor-general of India under this Act, and such persons as shall be members of Council of the same Presidency on that day shall be respectively members of the Council constituted by this Act.

Governor-general and the members of Council, on 22d April, 1834, to be so under this Act.

XLII. And be it enacted, that all vacancies happening in the office of Governor-general of India shall from time to time be filled up by the said Court of Directors, subject to the approbation of his Majesty, to be signified in writing by his royal sign manual, countersigned by the President of the said Board. (1)

Filling up vacancies in these offices.

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 80.]

XLIII. And be it enacted, that the said Governor-general in Council shall have power to make laws and regulations for repealing, amending, or altering any laws or regulations whatever now in force or hereafter to be in force in the said territories or any part thereof, and to make laws and regulations for all persons, whether British or native, foreigners or others, and for all Courts of justice, whether established by his Majesty's Charters or otherwise, and the jurisdiction thereof, and for all places and things whatsoever within and throughout the whole or any part of the said territories, and for all servants of the said Company within the dominions of princes and states in alliance with the said Company; save and except that the said Governor-general in Council shall not have the power of making any laws or regula-

The Governor-general in Council empowered to legislate for India, except as to matters herein mentioned.

tions which shall in any way repeal, vary, suspend, or affect any of the provisions of this Act, or any of the provisions of the Acts for punishing mutiny and desertion of officers and soldiers, whether in the service of his Majesty or the said Company, or any provisions of any Act hereafter to be passed in anywise affecting the said Company or the said territories or the inhabitants thereof, or any laws and regulations which shall in any way affect any prerogative of the Crown, or the authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said territories.

If the Court of Directors disallow the laws, Governor in Council to repeal them.

XLIV. Provided always, and be it enacted, that in case the said Court of Directors, under such control as by this Act is provided, shall signify to the said Governor-general in Council their disallowance of any laws or regulations by the said Governor-general in Council made, then and in every such case, upon receipt by the said Governor-general in Council of notice of such disallowance, the said Governor-general in Council shall forthwith repeal all laws and regulations so disallowed.

All such laws and regulations to be of the same force as any Act of Parliament.

Registration unnecessary.

XLV. Provided also, and be it enacted, that all laws and regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect within and throughout the said territories as any Act of Parliament would or ought to be within the same territories, and shall be taken notice of by all Courts of justice whatsoever within the same territories, in the same manner as any public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of justice any laws or regulations made by the said Governor-general in Council.

Restricting the power of punishing with death European subjects, &c.

XLVI. Provided also, and be it enacted, that it shall not be lawful for the said Governor-general in Council, without the previous sanction of the said Court of Directors, to make any law or regulation whereby power shall be given to any Courts of justice, other than the Courts of justice established by his Majesty's Charters, to sentence to the punishment of death any of his Majesty's natural born subjects born in Europe, or the children of such subjects, or which shall abolish any of the Courts of justice established by his Majesty's Charters.

The Court to submit to the Board rules for the procedure of the Governor-general in Council.

Rules to be laid before Parliament.

XLVII. And be it enacted, that the said Court of Directors shall forthwith submit, for the approbation of the said Board, such rules as they shall deem expedient for the procedure of the Governor-general in Council in the discharge and exercise of all powers, functions, and duties imposed on or vested in him by virtue of this Act, or to be imposed or vested in him by any other Act or Acts; which rules shall prescribe the modes of promulgation of any laws or regulations to be made by the said Governor-general in Council, and of the authentication of all acts and proceedings whatsoever of the said Governor-general in Council; and such rules, when approved by the said Board of Commissioners, shall be of the same force as if they had been inserted in this Act: provided always, that such rules shall be laid before both Houses of Parliament in the session next after the approval thereof.

Quorum of Governor-general and members in Council.

XLVIII. Provided always, and be it enacted, that all laws and regulations shall be made at some meeting of the Council at which the said Governor-general and at least three of the ordinary members of Council shall be assembled, and that all other functions of the said Governor-general in Council may be exercised by the said Governor-general and one or more

ordinary member or members of Council, and that in every case of difference of opinion at meetings of the said Council where there shall be an equality of voices the said Governor-general shall have two votes or the casting vote.

XLIX. Provided always, and be it enacted, that when and so often as any measure shall be proposed before the said Governor-general in Council whereby the safety, tranquillity or interests of the British possessions in India, or any part thereof, are or may be, in the judgment of the said Governor-general, essentially affected, and the said Governor-general shall be of opinion either that the measure proposed ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the majority in Council then present shall differ in and dissent from such opinion, the said Governor-general and members of Council are hereby directed forthwith mutually to exchange with and communicate to each other in writing under their respective hands, to be recorded at large on their secret consultations, the grounds and reasons of their respective opinions; and if after considering the same, the said Governor-general and the majority in Council shall still differ in opinion, it shall be lawful for the said Governor-general, of his own authority and on his own responsibility, to suspend or reject the measure so proposed in part or in whole, or to adopt and carry the measure so proposed into execution, as the said Governor-general shall think fit and expedient. (1)

Manner of proceeding when any measure is proposed whereby the safety or peace of India may be essentially affected.

(1) [*Vide* 33 Geo. 3, cap. 52, secs. 47, 48, 49, 50, 51, and 55.]

L. And be it enacted, that the said Council shall from time to time assemble at such place or places as shall be appointed by the said Governor-general in Council within the said territories, and that as often as the said Council shall assemble within any of the presidencies of Fort Saint George, Bombay, or Agra, (1) the Governor of such presidency shall act as an extraordinary member of Council.

Council to assemble at any place in India.

(1) [See note on section 38.]

LI. Provided always, and be it enacted, that nothing herein contained shall extend to affect in any way the right of Parliament to make laws for the said territories and for all the inhabitants thereof; and it is expressly declared that a full, complete, and constantly existing right and power is intended to be reserved to Parliament to control, supersede, or prevent all proceedings and acts whatsoever of the said Governor-general in Council, and to repeal and alter at any time any law or regulation whatsoever made by the said Governor-general in Council, and in all respects to legislate for the said territories and all the inhabitants thereof in as full and ample a manner as if this Act had not been passed; and the better to enable Parliament to exercise at all times such right and power, all laws and regulations made by the said Governor-general in Council shall be transmitted to England, and laid before both Houses of Parliament, in the same manner as is now by law provided concerning the rules and regulations made by the several governments in India. (1)

Nothing in this Act to affect the right of Parliament to legislate for India.

Express reservation.

Laws and regulations to be laid before Parliament.

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 66.]

LII. And be it enacted, that all enactments, provisions, matters, and things relating to the Governor-general of Fort William in Bengal in Council, and the Governor-general of Fort William in Bengal alone, respectively, in any other Act or Acts contained, so far as the same are now in force, and not repealed by or repugnant to the provisions of this Act, shall

All enactments relating to supreme government shall apply to Governor-general of India in Council and alone.

continue and be in force and be applicable to the Governor-general of India in Council, and to the Governor-general of India alone, respectively.

A law commission to be appointed, to inquire into the jurisdiction, &c. of existing Courts of Justice and police establishments, and the operation of the laws.

LIII. And whereas it is expedient that, subject to such special arrangements as local circumstances may require, a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in the said territories at an early period, and that such laws as may be applicable in common to all classes of the inhabitants of the said territories, due regard being had to the rights, feelings, and peculiar usages of the people, should be enacted, and that all laws and customs having the force of law within the same territories should be ascertained and consolidated, and as occasion may require amended; be it therefore enacted, that the said Governor-general of India in Council shall, as soon as conveniently may be after the passing of this Act, issue a commission, and from time to time commissions, to such persons as the said Court of Directors with the approbation of the said Board of Commissioners, shall recommend for that purpose, and to such other persons, if necessary, as the said Governor-general in Council shall think fit, all such persons, not exceeding in the whole at any one time five in number, and to be styled, "The Indian Law Commissioners," with all such powers as shall be necessary for the purposes herein-after mentioned; and the said Commissioners shall fully inquire into the jurisdiction, powers, and rules of the existing Courts of justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject; and the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of justice and police establishments, forms of judicial procedure and laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said territories.

Commissioners from time to time to report the result of their inquiries.

Commissioners to follow instructions of Governor-general in Council, and to make special reports when required.

LIV. And be it enacted, that the said Commissioners shall follow such instructions with regard to the researches and inquiries to be made and the places to be visited by them, and all their transactions with reference to the objects of their commission, as they shall from time to time receive from the said Governor-general of India in Council; and they are hereby required to make to the said Governor-general in Council such special reports upon any matters as by such instructions may from time to time be required; and the said Governor-general in Council shall take into consideration the reports from time to time to be made by the said Indian Law Commissioners, and shall transmit the same, together with the opinions or resolutions of the said Governor-general in Council thereon, to the said Court of Directors; and which said reports, together with the said opinions or resolutions, shall be laid before both Houses of Parliament in the same manner as is now by law provided concerning the rules and regulations made by the several governments in India.

Governor-general in Council to consider reports, and transmit them with opinions thereupon.

Salaries to be granted to Law Commissioners.

LV. And be it enacted, that it shall and may be lawful for the Governor-general of India in Council to grant salaries to the said Indian Law Commissioners and their necessary officers and attendants, and to defray such other expenses as may be incident to the said commission, and that the salaries of the said Commissioners shall be according to the highest scale of remuneration given to any of the officers or servants of the India Company below the rank of Members of Council.

LVI. And be it enacted, that the executive government of each of the several presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra,(1) shall be administered by a governor and three councillors, to be styled "The Governor in Council of the said Presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra, respectively;" and the said governor and councillors respectively of each such presidency shall have the same rights and voices in their assemblies, and shall observe the same order and course in their proceedings, as the Governors in Council of the presidencies of Fort Saint George and Bombay now have and observe, and that the Governor-general of India for the time being shall be Governor of the Presidency of Fort William in Bengal.

The executive government of the presidencies to be administered by a governor and three councillors.

(1) [*Vide* note on section 38.]

LVII. Provided always, and be it enacted, that it shall and may be lawful for the said Court of Directors, under such control as is by this Act provided, to revoke and suspend, so often and for such periods as the said Court shall in that behalf direct, the appointment of councils in all or any of the said presidencies, or to reduce the number of councillors in all or any of the said councils, and during such time as a council shall not be appointed in any such presidency the executive government thereof shall be administered by a governor alone.

Directors empowered to revoke the appointment of councils, or to reduce the number of councillors.

LVIII. And be it enacted, that the several persons who on the said twenty-second day of April, one thousand eight hundred and thirty-four, shall be governors of the respective presidencies of Fort Saint George and Bombay, shall be the first governors of the said presidencies respectively under this Act; and that the office of Governor of the said Presidency of Agra,(1) and all vacancies happening in the offices of the governors of the said presidencies respectively, shall be filled up by the said Court of Directors, subject to the approbation of his Majesty, to be signified under his royal sign manual, countersigned by the said President of the said Board of Commissioners. (2)

Governors of Fort St. George and Bombay.

Governor of Agra and vacancies in presidencies to be filled up by Court.

(1([*Vide* note on section 38.]

(2) [*Vide* 53 Geo. 3, cap. 155, sec. 80.]

LIX. And be it enacted, that in the presidencies in which the appointment of a council shall be suspended under the provision herein-before contained, and during such time as councils shall not be appointed therein respectively, the governors appointed under this Act, and in the presidencies in which councils shall from time to time be appointed, the said governors in their respective councils shall have all the rights, powers, duties, functions, and immunities whatsoever, not in anywise repugnant to this Act, which the Governors of Fort Saint George and Bombay in their respective Councils now have within their respective presidencies; and that the governors and members of Council of presidencies appointed by or under this Act shall severally have all the rights, powers, and immunities respectively, not in anywise repugnant to this Act, which the governors and members of Council of the presidencies of Fort Saint George and Bombay respectively now have in their respective presidencies; provided that no governor or governor in Council shall have the power of making or suspending any regulations or laws in any case whatever, unless in cases of urgent necessity (the burthen of the proof whereof shall be on such governor or governor in Council), and then only until the decision of the Governor-general of India in Council shall be signified thereon; and provided also, that no governor or governor in Council shall have the power of creating any new office or granting any salary, gratuity, or allowance, without the previous sanction of the Governor-general of India in Council.

The Governors of the presidencies to have the powers and immunities of the present Governors of Madras and Bombay, but not to make laws or grant money.

If Court of Directors neglect for two months to supply vacancy in any office, the King to appoint.

LX. Provided always, and be it enacted, that when and so often as the said Court of Directors shall neglect for the space of two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India in the appointment of the said Court shall have been received by the said Court, to supply such vacancy, then and in every such case it shall be lawful for his Majesty to appoint, by writing under his sign manual, such person as his Majesty shall think proper to supply such vacancy; and that every person so appointed shall have the same powers, privileges, and authorities as if he or they had been appointed by the said Court, and shall not be subject to removal or dismissal without the approbation and consent of his Majesty. (1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 26.]

Power for the Court to make provisional appointments to any offices.

LXI. And be it enacted, that it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India with intent to return to Europe, or on any event or contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke: provided that every provisional appointment to the several offices of Governor-general of India, governor of a presidency, and the member of Council of India, by this Act directed to be appointed from amongst persons who shall not be servants of the said Company, shall be subject to the approbation of his Majesty, to be signified as aforesaid, but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary, or emolument appertaining thereto until he shall be in the actual possession of such office. (1)

Provisional appointments of certain officers to be approved by his Majesty.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 27, and 53 Geo. 3, cap. 155. sec. 80.]

In case of vacancy in the office of Governor-general, and no successor upon the spot, the ordinary member of Council next in rank to act as Governor-general.

LXII. And be it enacted, that if any vacancy shall happen in the office of Governor-general of India when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case the ordinary member of Council next in rank to the said Governor-general shall hold and execute the said office of Governor-general of India and Governor of the presidency of Fort William in Bengal until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting Governor-general shall, during the time of his continuing to act as such, have and exercise all the rights and powers of Governor-general of India, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor-general foregoing his salary and allowance of a member of the Council for the same period. (1)

(1) [*Vide* Section 40 of this Act, and 33 Geo. 3, cap. 52, secs. 29 and 30.]

In case of a vacancy in the office of governor of any of the subordinate presidencies, and no provisional or other successor on the spot.

LXIII. And be it enacted, that if any vacancy shall happen in the office of Governor of Fort St. George, Bombay, or Agra, when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case, if there shall be a Council in the presidency in which such vacancy shall happen, the member of such Council, who shall be next in rank to the governor, other than the commander-in-chief, or officer commanding the forces

of such presidency, and if there shall be no Council, then the secretary of Government of the said presidency who shall be senior in the said office of secretary, shall hold and execute the said office of governor until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the office by him supplied, such acting governor foregoing all salaries and allowances by him held and enjoyed at the time of his being called to supply such office. (1)

(1) [*Vide* 33 Geo. 3, cap. 52, secs. 29 & 30.]

In case of a vacancy in the office of a member of Council when no provisional or other successor on the spot.

LXIV. And be it enacted, that if any vacancy shall happen in the office of an ordinary member of Council of India when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor-general in Council; and if any vacancy shall happen in the office of a member of Council of any presidency when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor in Council of the presidency in which such vacancy shall happen; and until a successor shall arrive the person so nominated shall execute the office by him supplied, and shall have all the powers thereof, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office during his continuance therein, every such temporary memberof Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such office: provided always, that no person shall be appointed a temporary member of Council who might not have been appointed by the said Court of Directors to fill the vacancy supplied by such temporary appointment. (1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 31.]

The Governor-general in Council to have the control over the presidencies.

LXV. And be it further enacted, that the said Governor-general in Council shall have and be invested by virtue of this Act with full power and authority to superintend and control the Governors and Governors in Council of Fort William in Bengal, Fort Saint George, Bombay, and Agra, (1) in all points relating to the civil or military administration of the said presidencies respectively, and the said Governors and Governors in Council shall be bound to obey such orders and instructions of the said Governor-general in Council in all cases whatsoever. (2)

(1) [*Vide* note on section 38.]

(2) [*Vide* 13 Geo. 3, cap. 63, sec. 9, and 33 Geo. 3, cap. 52, secs. 40, 41, 43, & 44.]

Drafts of laws proposed by Governors to be taken into consideration by Governor-general in Council.

LXVI. And be it enacted, that it shall and may be lawful for the Governor or Governors in Council of Fort William in Bengal, Fort Saint George, Bombay, and Agra respectively, to propose to the said Governor-general in Council drafts or projects of any laws or regulations which the said Governor or Governors in Council respectively may think expedient, together with their reasons for proposing the same; and the said Governor-general in Council is hereby required to take the same and such reasons into consideration, and to communicate the resolutions of the said Governor-general in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

Powers of Governors of presidencies not to be suspended.

LXVII. And be it enacted, that when the said Governor-general shall visit any of the presidencies of Fort Saint George, Bombay, or Agra, (1) the powers of the Governors of those presidencies respectively shall not by reason of such visit be suspended.

(1) [*Vide* note on section 38.]

Communications to be transmitted by Governors to Governor-general in Council.

LXVIII. And be it enacted, that the said Governors and Governors in Council of the said presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra, (1) respectively shall and they are hereby respectively required regularly to transmit to the said Governor-general in Council true and exact copies of all such orders and acts of their respective governments, and also advice and intelligence of all transactions and matters which shall have come to their knowledge, and which they shall deem material to be communicated to the said Governor-general in Council as aforesaid, or as the said Governor-general in Council shall from time to time require.

(1) [*Vide* note on section 38.]

The Governor-general in Council may appoint a Deputy-governor of Bengal as exigencies may require.

LXIX. And be it enacted that it shall be lawful for the said Governor-general in Council, as often as the exigencies of the public service may appear to him to require, to appoint such one of the ordinary members of the said Council of India as he may think fit to be Deputy-governor of the said presidency of Fort William in Bengal, and such Deputy-governor shall be invested with all the powers and perform all the duties of the said Governor of the Presidency of Fort William in Bengal, but shall receive no additional salary by reason of such appointment.

Provision in case the Governor-general in Council shall declare it expedient for the Governor-general to visit any part of India without his Council.

LXX. And be it enacted, that whenever the said Governor-general in Council shall declare that it is expedient that the said Governor-general should visit any part of India unaccompanied by any member or members of the Council of India, it shall be lawful for the said Governor-general in Council, previously to the departure of the said Governor-general, to nominate some member of the Council of India to be President of the said Council, in whom during the absence of the said Governor-general from the said presidency of Fort William in Bengal, the powers of the said Governor-general in assemblies of the said Council shall be reposed; (1) and it shall be lawful in every such case for the said Governor-general in Council, by a law or regulation for that purpose to be made, to authorize the Governor-general alone to exercise all or any of the powers which might be exercised by the said Governor-general in Council, except the power of making laws or regulations: provided always, that during the absence of the Governor-general no law or regulation shall be made by the said President and Council without the assent in writing of the said Governor-general.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 53. *Vide* also Act of Government of India, No. 26 of 1837, in Appendix.]

The new presidency of Agra not to affect the succession to commands and offices in Bengal and Agra.

LXXI. And be it enacted, that there shall not, by reason of the division of the territories now subject to the government of the presidency of Fort William in Bengal into two presidencies as aforesaid, (1) be any separation between the establishments and forces thereof respectively, or any alteration in the course and order of promotion and succession of the Company's servants in the same two presidencies respectively, but that all the servants, civil and military, of the Bengal establishments and forces, shall and may succeed and be appointed to all

commands and offices within either of the said presidencies respectively as if this Act had not been passed.

(1) [*Vide* note on section 38.]

Presidency of Fort William to be entire, for the purposes of the Mutiny Act.

LXXII. And be it enacted, that for the purposes of an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced Rate of Postage," (1) and of any Articles of War made or to be made under the same, the presidency of Fort William in Bengal shall be taken and deemed to comprise under and within it all the territories which by or in virtue of this Act shall be divided between the presidencies of Fort William in Bengal and Agra respectively, and shall for all the purposes aforesaid be taken to be the presidency of Fort William in Bengal in the said Act mentioned.

(1) [Repealed from the 1st of January, 1841, by 3 & 4 Vic. cap. 37, which comes into operation from the same date. For the purposes of the last named Act, it is therein provided (sec. 42) that the Presidency of Fort William shall be entire.]

Articles of War to be made by Governor-general in Council.

LXXIII. And be it enacted, that it shall be lawful for the said Governor-general in Council from time to time to make Articles of War for the government of the native officers and soldiers in the military service of the Company, and for the administration of justice by courts-martial to be holden on such officers and soldiers, and such Articles of War from time to time to repeal or vary and amend; and such Articles of War shall be made and taken notice of in the same manner as all other the laws and regulations to be made by the said Governor-general in Council under this Act, and shall prevail and be in force, and shall be of exclusive authority over all the native officers and soldiers in the said military service, to whatever presidency such officers and soldiers may belong, or wheresoever they may be serving: provided nevertheless, that until such Articles of War shall be made by the said Governor-general in Council any Articles of War for or relating to the government of the Company's native forces, which at the time of this Act coming into operation shall be in force and use in any part or parts of the said territories shall remain in force. (1)

(1) [*Vide* 53 Geo. 3, cap. 155, secs. 96 and 97, & 3 & 4 Vic. cap. 37, secs. 7 & 8.]

His Majesty may remove any officer of the Company in India.

LXXIV. And be it enacted, that it shall be lawful for his Majesty, by any writing under his sign manual, countersigned by the President of the said Board of Commissioners, to remove or dismiss any person holding any office, employment, or commission, civil or military, under the said Company in India, and to vacate any appointment or commission of any person to any such office or employment; provided that a copy of every such writing, attested by the said President, shall within eight days after the same shall be signed by his Majesty be transmitted or delivered to the Chairman or Deputy Chairman of the said Company.(1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 35.]

The power of the Directors to remove their servants preserved.

LXXV. Provided always, and be it enacted, that nothing in this Act contained shall take away the power of the said Court of Directors to remove or dismiss any of the officers or servants of the said Company, but that the said Court shall and may at all times have full liberty to remove or dismiss any of such officers or servants at their will and pleasure; provided that any servant of the said Company appointed by his Majesty through the default of appointment by the said Court of Directors shall not be dismissed or removed without his Majesty's approbation, as herein-before is mentioned.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 36, and 53 Geo. 3, cap. 155, sec. 80.]

Salaries of Governor-general, &c. fixed; to be in lieu of all fees, &c.

LXXVI. And be it enacted, that there shall be paid to the several officers herein-after named the several salaries set against the names of such officers, subject to such reduction of the said several salaries respectively as the said Court of Directors, with the sanction of the said Board, may at any time think fit; (that is to say,)

To the Governor-general of India, two hundred and forty thousand sicca rupees:
To each ordinary Member of the Council of India, ninety-six thousand sicca rupees:
To each Governor of the Presidencies of Fort St. George, Bombay, and Agra, one hundred and twenty thousand sicca rupees:
To each Member of any Council to be appointed in any presidency, sixty thousand sicca rupees:

Acceptance of gratuities a misdemeanor.

Passage-money fixed.

And the salaries of the said officers respectively shall commence from their respectively taking upon them the execution of their respective offices, and the said salaries shall be the whole profit or advantage which the said officers shall enjoy during their continuance in such offices respectively; and it shall be and it is hereby declared to be a misdemeanor for any such officer to accept for his own use, in the discharge of his office, any present, gift, donation, gratuity, or reward, pecuniary or otherwise whatsoever, or to trade or traffic for his own benefit or for the benefit of any other person or persons whatsoever, (1) and the said Court of Directors are hereby required to pay to all and singular the officers and persons herein-after named who shall be resident in the United Kingdom at the time of their respective appointments, for the purpose of defraying the expences of their equipment and voyage, such sums of money as are set against the names of such officers and persons respectively; (2) (that is to say,)

To the Governor-general, five thousand pounds:
To each Member of the Council of India, one thousand two hundred pounds:
To each Governor of the Presidencies of Fort St. George, Bombay, and Agra, two thousand five hundred pounds:

Provided also, that any Governor-general, Governor, or Member of Council appointed by or by virtue of this Act, who shall at the time of passing this Act hold the office of Governor-general, Governor, or Member of Council respectively, shall receive the same salary and allowances that he would have received if this Act had not been passed.

(1) [*Vide* 33 Geo. 3, cap. 52, secs. 62, 63, and 137.]

(2) [*Vide* 53 Geo. 3, cap. 155, sec. 89, as to passage-money to various officers.]

LXXVII. Provided always, and be it enacted, that if any Governor-general, Governor, or ordinary Member of the Council of India, or any Member of the Council of any presidency, shall hold or enjoy any pension, salary, or any place, office, or employment of profit under the Crown or any public office of the said Company, or any annuity payable out of the civil or military fund of the said Company, the salary of his office of Governor-general of India, Governor or Member of Council, shall be reduced by the amount of the pension, salary, annuity, or profits of office so respectively held or enjoyed by him.

Governor-general and governors to forego pensions and other salaries from the Crown or Company while they hold office.

LXXVIII. And be it enacted, that the said Court of Directors, with the approbation of the said Board of Commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the offices, commands, and employments in the said territories, and in all or any of the presidencies thereof, among the said Governor-general in Council, Governor-general, Governors in Council, Governors, Commander-in-chief, and other commanding officers respectively appointed or to be appointed under this Act. (1)

Directors to make regulations for the distribution of patronage in India.

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 81.]

LXXIX. And be it enacted, that the return to Europe or the departure from India with intent to return to Europe of any Governor-general of India, Governor, Member of Council, or Commander-in-chief, shall be deemed in law a resignation and avoidance of his office or employment, and that no act or declaration of any Governor-general, or Governor, or Member of Council, other than as aforesaid, excepting a declaration in writing under hand and seal, delivered to the Secretary for the Public Department of the Presidency wherein he shall be, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office; and that the salary and other allowances of any such Governor-general or other officer respectively shall cease from the day of such his departure, resignation, or surrender; and that if any such Governor-general or Member of Council of India shall leave the said territories, or if any Governor or other officer whatever in the service of the said Company shall leave the presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use; and in the event of his not returning, or of his coming to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving the said territories, or the presidency to which he may have belonged; (1) provided that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the representatives of their officers or servants who, having left their stations intending to return thereto, shall die during their absence. (2)

Departure of Governor-general, &c. for Europe, to be a resignation.

Resignation in India to be by deed.

Salary to cease on departure or resignation.

As to representatives of officers dying during absence.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 37. The rule prohibiting payment of salary to an agent during absence, has been modified with respect to officers under the rank of Members of Council, by 7 Wm. 4, and 1 Vic., cap. 47.]

(2) [*Vide* 7 Geo. 4, cap. 56, sec. 3.]

LXXX. And be it enacted, that every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said Court of Directors by any Governor-general of India, Governor, Member of Council, or Commander-in-chief, or

Disobedience of orders and breach of trust by officers or servants of the Company in India, misdemeanors.

by any other of the officers or servants of the said Company, unless in cases of necessity (the burthen of the proof of which necessity shall be on the person so disobeying or omitting, forbearing or neglecting, to execute such orders or instructions as aforesaid); and every wilful breach of the trust and duty of any office or employment by any such Governor-general, Governor, Member of Council, or Commander-in-chief, or any of the officers or servants of the said Company, shall be deemed and taken to be a misdemeanor at law, and shall or may be proceeded against and punished as such by virtue of this Act.(1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 65.]

Authority for his Majesty's subjects to reside in certain parts of India without licence.

LXXXI. And be it enacted, that it shall be lawful for any natural-born subjects of his Majesty to proceed by sea to any port or place having a Custom-house establishment within the said territories, and to reside thereat, or to proceed to and reside in or pass through any part of such of the said territories as were under the government of the said Company on the first day of January, one thousand eight hundred, and in any part of the countries ceded by the Nabob of the Carnatic, of the province of Cuttack, and of the settlements of Singapore and Malacca, without any licence whatever; provided that all subjects of his Majesty not natives of the said territories shall, on their arrival in any part of the said territories from any port or place not within the said territories, make known in writing their names, places of destination, and objects of pursuit in India, to the chief officer of the Customs, or other officer authorized for that purpose, at such port or place as aforesaid.

Subjects of his Majesty not to reside in certain parts of India without licence.

LXXXII. Provided always, and be it enacted, that it shall not be lawful for any subject of his Majesty, except the servants of the said Company and others now lawfully authorized to reside in the said territories, to enter the same by land, or to proceed to or reside in any place or places in such parts of the said territories as are not herein-before in that behalf mentioned, without licence from the said Board of Commissioners, or the said Court of Directors, or the said Governor-general in Council, or a Governor or Governor in Council of any of the said presidencies for that purpose first obtained: provided always, that no licence given to any natural-born subject of his Majesty to reside in parts of the territories not open to all such subjects shall be determined or revoked, unless in accordance with the terms of some express clause of revocation or determination in such licence contained.

The Governor-general in Council, with previous consent of Directors, may declare other places open.

LXXXIII. Provided always, and be it enacted, that it shall be lawful for the said Governor-general in Council, with the previous consent and approbation of the said Court of Directors for that purpose obtained, to declare any place or places whatever within the said territories open to all his Majesty's natural-born subjects, and it shall be thenceforth lawful for any of his Majesty's natural-born subjects to proceed to, or reside in, or pass through any place or places declared open without any licence whatever.

Laws against illicit residence to be made.

LXXXIV. And be it enacted, that the said Governor-general in Council shall, and he is hereby required, as soon as conveniently may be, to make laws or regulations providing for the prevention or punishment of the illicit entrance into or residence in the said territories of persons not authorized to enter or reside therein.

Laws and regulations to be made for protection of natives.

LXXXV. And whereas the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide against any mischiefs or dangers that may arise therefrom, be it therefore enacted, that the said Governor-general in Council shall,

and he is hereby required, by laws or regulations, to provide with all convenient speed for the protection of the natives of the said territories from insult and outrage in their persons, religions, or opinions.

LXXXVI. And be it enacted, that it shall be lawful for any natural-born subject of his Majesty authorized to reside in the said territories to acquire and hold lands, or any right, interest, or profit in or out of lands, for any term of years, in such part or parts of the said territories, as he shall be so authorized to reside in: provided always, that nothing herein contained shall be taken to prevent the said Governor-general in Council from enabling, by any laws or regulations, or otherwise, any subjects of his Majesty to acquire or hold any lands, or rights, interests, or profits in or out of lands, in any part of the said territories, and for any estates or terms whatever. (1)

Lands within the Indian territories may be purchased.

(1) [See Act of Government of India, No. 4 of 1837, in Appendix.]

LXXXVII. And be it enacted, that no native of the said territories, nor any natural-born subject of his Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment, under the said Company.

No disabilities in respect of religion, colour, or place of birth.

LXXXVIII. And be it further enacted, that the said Governor-general in Council shall and he is hereby required forthwith to take into consideration the means of mitigating the state of slavery, and of ameliorating the condition of slaves, and of extinguishing slavery, throughout the said territories, so soon as such extinction shall be practicable and safe, and from time to time to prepare and transmit to the said Court of Directors drafts of laws or regulations for the purposes aforesaid, and that in preparing such drafts due regard shall be had to the laws of marriage and the rights and authorities of fathers and heads of families, and that such drafts shall forthwith after receipt thereof be taken into consideration by the said Court of Directors, who shall, with all convenient speed, communicate to the said Governor-general in Council their instructions on the drafts of the said laws and regulations, but no such laws and regulations shall be promulgated or put in force without the previous consent of the said Court; and the said Court shall, within fourteen days after the first meeting of Parliament in every year, lay before both Houses of Parliament a report of the drafts of such rules and regulations as shall have been received by them, and of their resolutions or proceedings thereon.

Slavery to be mitigated, and abolished as soon as practicable.

LXXXIX. And whereas the present diocese of the bishopric of Calcutta is of too great an extent for the incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and it is therefore expedient to diminish the labours of the bishop of the said diocese, and for that purpose to make provision for assigning new limits to the diocese of the said bishop, and for founding and constituting two separate and distinct bishoprics, but nevertheless the bishops thereof to be subordinate and subject to the Bishop of Calcutta for the time being, and his successors, as their metropolitan; be it therefore enacted, that in case it shall please his Majesty to erect, found and constitute two bishoprics, one to be styled the Bishopric of Madras and the other the Bishopric of Bombay, and from time to time to nominate and appoint bishops to such bishoprics under the style and title of Bishops of Madras and Bombay respectively, there shall be paid from and out of the revenues of the said territories to such bishops respectively the sum of twenty-four thousand sicca rupees by the year.

Respecting the inconvenient extent of the diocese of Calcutta.

If the King erects Bishoprics of Madras and Bombay, certain salaries to be paid to the Bishops.

Such salaries to commence from time of taking office, and to be in lieu of all fees, &c.

XC. And be it enacted, that the said salaries shall commence from the time at which such persons as shall be appointed to the said office of bishop shall take upon them the execution of their respective offices; and that such salaries shall be in lieu of all fees of office, perquisites, emoluments, or advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken by such bishop or either of them, in any manner or on any account or pretence whatsoever, other than the salaries aforesaid; and that such bishops respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the British territories aforesaid.

Passage-money for each such Bishop.

XCI. And be it enacted, that the said Court of Directors shall and they are required to pay to the bishops so from time to time to be appointed to the said Bishoprics of Madras and Bombay, in case they shall be resident in the United Kingdom at the time of their respective appointments, the sum of five hundred pounds each, for the purpose of defraying the expenses of their equipments and voyage.

As to jurisdiction of such Bishops.

XCII. Provided always, and be it enacted, that such bishops shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to them respectively by his Majesty by his Royal Letters Patent under the great seal of the said United Kingdom.

The King empowered by Letters Patent to limit jurisdiction and functions.

XCIII. And be it enacted, that it shall and may be lawful for his Majesty from time to time, if he shall think fit, by his Royal Letters Patent under the great seal of the said United Kingdom, to assign limits to the diocese of the Bishopric of Calcutta and to the dioceses of the said Bishoprics of Madras and Bombay respectively, and from time to time to alter and vary the same limits respectively, as to his Majesty shall seem fit, and to grant to such bishops respectively within the limits of their respective dioceses the exercise of episcopal functions, and of such ecclesiastical jurisdiction as his Majesty shall think necessary for the superintendence and good government of the ministers of the United Church of England and Ireland therein.

The Bishop of Calcutta to be Metropolitan in India.

XCIV. Provided always, and be it enacted, that the bishop of Calcutta for the time being shall be deemed and taken to be the Metropolitan Bishop in India, and as such shall have, enjoy, and exercise all such ecclesiastical jurisdiction and episcopal functions, for the purposes aforesaid, as his Majesty shall by his Royal Letters Patent under the great seal of the said United Kingdom think necessary to direct, subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being; and that the Bishops of Madras and Bombay for the time being respectively shall be subject to the Bishop of Calcutta for the time being as such Metropolitan, and shall at the time of their respective appointments to such bishoprics, or at the time of their respective consecrations as bishop, take an oath of obedience to the said Bishop of Calcutta in such manner as his Majesty by his said Royal Letters Patent shall be pleased to direct.

Warrants for bills on Letters Patent appointing Bishops to be countersigned by the President.

XCV. And be it enacted, that when and as often as it shall please his Majesty to issue any Letters Patent respecting the Bishopric of Calcutta, Madras, or Bombay, or for the nomination or appointment of any person thereto respectively, the warrant for the bill in every such case shall be countersigned by the President of the Board of Commissioners for the affairs of India, and by no other person.

CXVI. And be it enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his royal sign manual, countersigned by the Chancellor of the Exchequer for the time being, to grant to any such Bishop of Madras or Bombay respectively who shall have exercised in the British territories aforesaid for fifteen years the office of such bishop a pension not exceeding eight hundred pounds per annum, to be paid quarterly by the said Company.

The King may grant certain pensions to Bishops of Madras or Bombay.

XCVII. And be it enacted, that in all cases when it shall happen the said person nominated and appointed to be bishop of either of the said Bishoprics of Madras or Bombay shall depart this life within six calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such bishop, there shall be payable out of the territorial revenues from which the salary of such bishop so dying shall be payable, to the legal personal representatives of such bishop, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such bishop in respect of his salary, make up the full amount of one year's salary; and when and so often as it shall happen that any such bishop shall depart this life while in possession of such office, and after the expiration of six calendar months from the time of his arrival in India for the purpose of taking upon him such office, then and in every such case there shall be payable, out of the territorial revenues from which the salary of the said bishop so dying shall be payable, to his legal personal representatives, over and above what may have been due to him at the time of his death, a sum equal to the full amount of the salary of such bishop for six calendar months.

Respecting salary of a Bishop of Madras or Bombay dying within six months after arrival;

or after six months holding office in India.

XCVIII. And be it enacted, that if it shall happen that either of the Bishops of Madras or Bombay shall be translated to the Bishopric of Calcutta, the period of residence of such person as Bishop of Madras or Bombay shall be accounted for and taken as a residence as Bishop of Calcutta; and if any person now an archdeacon in the said territories shall be appointed Bishop of Madras or Bombay, the period of his residence in India as such archdeacon shall for all the purposes of this Act be accounted for and taken as a residence as such bishop.

As to residence of Bishop of Madras or Bombay if translated to Calcutta.

XCIX. Provided also, and be it enacted, that if any person under the degree of a bishop shall be appointed to either of the Bishoprics of Calcutta, Madras, or Bombay, who at the time of such appointment shall be resident in India, then and in such case it shall and may be lawful for the Archbishop of Canterbury, when and as he shall be required so to do by his Majesty by his Royal Letters Patent under the great seal of the said United Kingdom, to issue a commission under his hand and seal, to be directed to the two remaining bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a bishop.

As to consecration of any person under the degree of a bishop, if resident in India, appointed to a bishopric.

C. And be it enacted, that the expenses of visitations to be made from time to time by the said Bishops of Madras and Bombay respectively shall be paid by the said Company out of the revenues of the said territories; provided that no greater sum on account of such visitations be at any time issued than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the affairs of India.

Provision for expenses of visitations.

CI. And be it enacted, that no archdeacon hereafter to be appointed for the archdeaconry of the presidency of Fort William in Bengal, or the archdeaconry of the presidency of Fort Saint George, or the archdeaconry of the presidency and Island of Bombay, shall receive in

No Archdeacon in India to have a salary exceeding 3,000 sicca rupees.

respect of his archdeaconry any salary exceeding three thousand sicca rupees per annum; provided always, that the whole expence incurred in respect of the said bishops and archdeacons shall not exceed one hundred and twenty thousand sicca rupees per annum.

Two chaplains of the Church of Scotland to be on the establishment of each presidency.

CII. And be it enacted, that of the establishment of chaplains maintained by the said Company at each of the presidencies of the said territories, two chaplains shall always be ministers of the Church of Scotland, and shall have and enjoy from the said Company such salary as shall from time to time be allotted to the military chaplains at the several Presidencies: provided always, that the ministers of the Church of Scotland to be appointed chaplains at the said presidencies as aforesaid shall be ordained and inducted by the presbytery of Edinburgh according to the forms and solemnities used in the Church of Scotland, and shall be subject to the spiritual and ecclesiastical jurisdiction in all things of the presbytery of Edinburgh, whose judgments shall be subject to dissent, protest, and appeal to the provincial Synod of Lothian and Tweedale, and to the General Assembly of the Church of Scotland: provided always, that nothing herein contained shall be so construed as to prevent the Governor-general in Council from granting from time to time, with the sanction of the Court of Directors and of the Commissioners for the affairs of India, to any sect, persuasion, or community of Christians not being of the United Church of England and Ireland, or of the Church of Scotland, such sums of money as may be expedient for the purpose of instruction or for the maintenance of places of worship.

Section 103 provided for the transmission of a prospective estimate of the number of persons who in the opinion of the Governor-general in Council would be necessary to supply the expected vacancies in the Civil Establishments of the respective Governments of India in a subsequent year, to be fixed by rules to be framed by the Board of Commissioners; which estimate it was declared lawful for the Board to reduce. The Board were thereupon to certify to the Court of Directors what number of students should be admitted to the College at Hailèybury in the then current year; four candidates between the ages of seventeen and twenty were to be nominated, and one student admitted for every expected vacancy, according to the estimate or reduced estimate; the right of nominating candidates to be in the Court of Directors. In case of the certified number not being nominated within a month of the receipt of the certificate, the Board might supply the deficiency. Section 104 provided for supplying vacancies in the number of students caused by death, expulsion, or resignation. For each vacancy one was to be added to the number of students, and four to the number of candidates in the following year. Section 105 directed that the candidates should be examined and classed, and the candidates whose names should stand highest in the lists be admitted to the

College, till the number of students for the year was supplied. Section 106 required the Board to frame rules for the government of the College and the examinations and qualifications of candidates and students, which rules were to be revised and approved by the King in Council. Section 107 regulated the mode of examining the students after residence at the College, with a view to their entering the service, and laid down rules for determining seniority and choice of Presidency. But the 7 Wm. 4 and 1 Vic. cap. 70, authorized the suspension of the fourfold system of nomination, and it has accordingly been suspended. The same Act provided, in case of this suspension of the fourfold system, for the examination of candidates. The 1 & 2 Vic. cap. 22, empowered the Board of Commissioners, whether that system should be suspended or not, to make such rules for the College as might in their judgment appear best adapted to secure the appropriate education of young men for the Civil Service of the East-India Company; such rules to be submitted to her Majesty (after at least twenty-one days' notice to the Court of Directors), and to take effect on receiving the approbation of the Crown, to be signified by an Order in Council.

CVIII. And be it enacted, that no appointment of any professor or teacher at the said College shall be valid or effectual until the same shall have been approved by the Board of Commissioners. Sanction of appointment of professors.

CIX. And be it enacted, that every power, authority, and function by this or any other Act or Acts given to and vested in the said Court of Directors shall be deemed and taken to be subject to such control of the said Board of Commissioners as in this Act is mentioned, unless there shall be something in the enactments conferring such powers, authorities, or functions inconsistent with such construction, and except as to any patronage or right of appointing to office vested in or reserved to the said Court. (1) All powers of Court of Directors to be subject to the control of the Board, except patronage.

(1) [For various enactments relating to the powers of the Board, see 28 Geo. 3, cap. 8, secs. 3 & 4; 33 Geo. 3, cap. 52, secs. 9, 10, 11, 12, 13, 15, 17, 18, 19, 68, 70, and 125; 37 Geo. 3, cap. 117, sec. 2; 39 & 40 Geo. 3, cap. 79, sec. 1; 47 Geo. 3, cap. 68, sec. 8; 51 Geo. 3, cap. 75, sec. 5; 53 Geo. 3. cap. 155, secs. 25, 42, 43, 44, 78, 81, 83, 87, and 88; 55 Geo. 3, cap. 64, and 55 Geo. 3, cap. 84, sec. 1. The sections of this Act referring more particularly to the subject are, 25, 28, 29, 30, 31, 32, 33, 34, 36, 37, 44, 47, 57, 78, 108, and 110. For later enact-

ments, see 5 & 6 Wm. 4, cap. 52; 7 Wm. 4 and 1 Vic. cap. 47, secs. 2 and 3; 7 Wm. 4 and 1 Vic. cap. 70, secs. 1 & 2; and 1 & 2 Vic. cap. 22, sec. 1.]

Board of Control prohibited from directing the grant of allowances.

CX. Provided always, and be it enacted, that nothing herein contained shall be construed to enable the said Board of Commissioners to give or cause to be given directions ordering or authorizing the payment of any extraordinary allowance or gratuity, or the increase of any established salary, allowance, or emolument, unless in the cases and subject to the provisions in and subject to which such directions may now be given by the said Board, or to increase the sum now payable by the said Company on account of the said Board, except only by such salaries or allowances as shall be payable to the officers to be appointed as herein-before is mentioned to attend upon the said Board during the winding up of the commercial business of the said Company. (1)

(1) [*Vide* 28 Geo. 3, cap. 8, secs. 3 and 4; and 33 Geo. 3, cap. 52, secs. 17 and 18.]

The Company to be called the East-India Company.

CXI. And be it enacted, that whenever in this Act, or in any Act hereafter to be passed, the term East-India Company is or shall be used, it shall be held to apply to the United Company of Merchants of England trading to the East-Indies, and that the said United Company of Merchants of England trading to the East-Indies may, in all suits, proceedings, and transactions whatsoever after the passing of this Act, be called by the name of the East-India Company.

St. Helena vested in the Crown.

CXII. And be it enacted, that the Island of Saint Helena, and all forts, factories, public edifices, and hereditaments whatsoever in the said island, and all stores and property thereon fit or used for the service of the government thereof, shall be vested in his Majesty, his heirs and successors, and the said island shall be governed by such orders as his Majesty in Council shall from time to time issue in that behalf.

Servants of the Company in China and St. Helena to be eligible to offices in any presidency.

CXIII. And be it further enacted, that every supercargo and other civil servant of the said Company, now employed by the said Company in the factory at Canton or in the island of Saint Helena, shall be capable of taking and holding any office in any presidency or establishment of the said territories which he would have been capable of taking and holding if he had been a civil servant in such presidency or on such establishment during the same time as he shall have been in the service of the said Company.

Repeal of enactments for keeping a stock of tea.

CXIV. And be it enacted, that from and after the passing of this Act all enactments and provisions directing the said Company to provide for keeping a stock of tea shall be repealed.

King's Courts authorized to admit advocates and attornies without the Company's licence.

CXV. And be it enacted, that it shall be lawful for any Court of Justice established by his Majesty's Charters in the said territories to approve, admit, and enrol persons as barristers, advocates and attorneys in such Court without any licence from the said Company, any thing in any such Charter contained to the contrary notwithstanding: provided always, that the being entitled to practise as an advocate in the principal Courts of Scotland is and shall be deemed and taken to be a qualification for admission as an advocate in any Court in India equal to that of having been called to the bar in England or Ireland.

CXVI. And be it further enacted, that the Court of Directors of the said Company shall, within the first fourteen sitting days next after the first day of May in every year, lay before both Houses of Parliament an account, made up according to the latest advices which shall have been received, of the annual produce of the revenues of the said territories in India, distinguishing the same and the respective heads thereof at each of their several presidencies or settlements, and of all their annual receipts and disbursements at home and abroad, distinguishing the same under the respective heads thereof, together with the latest estimate of the same, and also the amount of their debts, with the rates of interest they respectively carry, and the annual amount of such interest, the state of their effects and credits at each presidency or settlement, and in England and elsewhere, according to the latest advices which shall have been received thereof, and also a list of their several establishments, and the salaries and allowances payable by the said Court of Directors in respect thereof: and the said Court of Directors, under the direction and control of the said Board of Commissioners, shall forthwith prepare forms of the said accounts and estimates in such manner as to exhibit a complete and accurate view of the financial affairs of the said Company; and if any new or increased salaries, establishments, or pensions shall have been granted or created within any year, the particulars thereof shall be specially stated and explained at the foot of the account of the said year.

Accounts to be annually laid before Parliament.

CXVII. And be it enacted, that this Act shall commence and take effect from and after the passing thereof, so far as to authorize the appointment or prospective or provisional appointment of the Governor-general of India, Governors, Members of Council, or other officers, under the provisions herein contained, and so far as herein-before in that behalf mentioned, and as to all other matters and things, from and after the twenty-second day of April next.

Commencement of Act.

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3 & 4 GULIELMI IV. Cap. XCIII.

An Act *to regulate the Trade to China and India.*

[28*th August*, 1833.]

Whereas the exclusive right of trading with the dominions of the Emperor of China, and of trading in tea, now enjoyed by the United Company of Merchants of England trading to the East-Indies, will cease from and after the twenty-second day of April one thousand eight hundred and thirty-four: and whereas it is expedient that the trade with China, and the trade in tea, should be open to all his Majesty's subjects, and that the restrictions imposed on the trade of his Majesty's subjects with places beyond the Cape of Good Hope to the Straits of Magellan, for the purpose of protecting the exclusive rights of trade heretofore enjoyed by the said Company, should be removed: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lord's spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that from and after the said twenty-second day of April one thousand eight hundred and thirty-four an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the limits of the Charter of the East-India Company, and to make

Repeal of the Act 4 G. 4, c. 80, except as herein mentioned.

further Provisions with respect to such Trade, and to amend an Act of the present Session of Parliament, for the registering of Vessels, so far as it relates to Vessels registered in India," shall be repealed, except such parts thereof as relate to Asiatic sailors, Lascars, being natives of the territories under the government of the East-India Company, but so as not to revive any Acts or parts of Acts by the said Act repealed; and except also as to such voyages and adventures as shall have been actually commenced under the authority of the said Act; and except as to any suits and proceedings which may have been commenced, and shall be depending on the said twenty-second day of April, one thousand eight hundred and thirty-four; and from and after the said twenty-second day of April, one thousand eight hundred and thirty-four the enactments herein-after contained shall come into operation.

Repeal of prohibitions upon the importation of tea and goods from China, imposed by 6 G. 4, c. 107, and 6 G. 4, c. 114.

II. And be it further enacted, that so much of an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the general Regulation of the Customs," as prohibits the importation of tea, unless from the place of its growth, and by the East-India Company, and into the port of London; and also so much of the said Act as prohibits the importation into the United Kingdom of goods from China, unless by the East-India Company, and into the port of London; and also so much of the said Act as requires that the manifests of ships departing from places in China shall be authenticated by the chief supercargo of the East-India Company; and also that so much of another Act passed in the said sixth year of the reign of his said late Majesty King George the Fourth, intituled, "An Act to regulate the Trade of the British Possessions Abroad," as prohibits the importation of tea into any of the British possessions in America, and into the island of Mauritius, except from the United Kingdom, or from some other British possessions in America, and unless by the East-India Company or with their license, shall be, from and after the twenty-second day of April, one thousand eight hundred and thirty-four, repealed; and thenceforth (notwithstanding any provision, enactment, matter, or thing made for the purpose of protecting the exclusive rights of trade heretofore enjoyed by the said Company, in any Charter of the said Company, in the said Act or any other Act of Parliament contained,) it shall be lawful for any of his Majesty's subjects to carry on trade with any countries beyond the Cape of Good Hope to the Straits of Magellan.

All British subjects may carry on trade beyond the Cape of Good Hope to the Straits of Magellan.

List of persons on board any ship arriving in India to be delivered to officers of Customs.

III. Provided always, and be it enacted, that the person having the command of any ship or vessel arriving at any place in the possession of or under the government of the said Company shall make out, sign, and deliver to the principal officer of the Customs, or other person thereunto lawfully authorized, a true and perfect list, specifying the names, capacities, and description of all persons who shall have been on board such ship or vessel at the time of its arrival; and if any person having the command of such ship or vessel shall not make out, sign, and deliver such list, he shall forfeit one hundred pounds, one half part of which penalty shall belong to such person or persons as shall inform or sue for the same, and the other half part to the said Company; and if the said Company shall inform or sue for the same, then the whole of the said penalty shall belong to the said Company.

Penalty for neglect £100.

Penalties how recoverable.

IV. And be it enacted, that the penalty or forfeiture aforesaid shall be recoverable by action of debt, bill, plaint, or information in any of his Majesty's Courts of Record in the United Kingdom of Great Britain and Ireland, and in India or elsewhere, or in any Courts in India to which jurisdiction may hereafter be given by the Governor-general of India in Council in that behalf, to be commenced in the county, presidency, colony, or settlement where the offender may happen to be; or by conviction in a summary way before two justices

of the peace in the United Kingdom, or in India, of the county or presidency where such offender may happen to be; and upon such conviction the penalty or forfeiture aforesaid shall and may be levied by distress and sale of the goods and chattels of the offender; and for want of such sufficient distress every such offender may be committed to the common gaol or House of Correction for the space of three calendar months.

Three superintendents of the China trade to be appointed.

V. And whereas it is expedient for the objects of trade and amicable intercourse with the dominions of the Emperor of China that provision be made for the establishment of a British authority in the said dominions; be it therefore enacted, that it shall and may be lawful for his Majesty, by any commission or commissions, or warrant or warrants under his royal sign manual, to appoint not exceeding three of his Majesty's subjects to be superintendents of the trade of his Majesty's subjects to and from the said dominions, for the purpose of protecting and promoting such trade, and by any such commission or warrant as aforesaid to settle such gradation and subordination among the said superintendents (one of whom shall be styled the chief superintendent), and to appoint such officers to assist them in the execution of their duties, and to grant such salaries to such superintendents and officers, as his Majesty shall from time to time deem expedient.

His Majesty in Council may issue orders and commissions to have force in China; and issue regulations touching the trade; and create a Court of justice for trial of offences in that part.

VI. And be it enacted, that it shall and may be lawful for his Majesty, by any such order or orders, commission or commissions, as to his Majesty in Council shall appear expedient and salutary, to give to the said superintendents, or any of them, powers and authorities over and in respect of the trade and commerce of his Majesty's subjects within any part of the said dominions; and to make and issue directions and regulations touching the said trade and commerce, and for the government of his Majesty's subjects within the said dominions; and to impose penalties, forfeitures, or imprisonments for the breach of any such directions or regulations, to be enforced in such manner as in the said order or orders shall be specified; and to create a Court of Justice with Criminal and Admiralty jurisdiction for the trial of offences committed by his Majesty's subjects within the said dominions, and the ports and havens thereof, and on the high seas within one hundred miles of the coast of China; and to appoint one of the superintendents herein-before mentioned to be the officer to hold such Court, and other officers for executing the process thereof; and to grant such salaries to such officers as to his Majesty in Council shall appear reasonable.

Superintendents, &c. not to accept gifts, or to trade.

VII. And be it enacted, that no superintendent or commissioner appointed under the authority of this Act shall accept for or in discharge of his duties any gift, donation, gratuity, or reward, other than the salary which may be granted to him as aforesaid, or be engaged in any trade or traffic for his own benefit, or for the benefit of any other person or persons.

A tonnage duty to be imposed, to be appropriated towards defraying the expense of establishments in China.

VIII. And be it enacted, that it shall be lawful for his Majesty, by and with the advice of his Privy Council, by any order or orders to be issued from time to time, to impose, and to empower such persons as his Majesty in Council shall think fit to collect and levy from or on account of any ship or vessel belonging to any of the subjects of his Majesty entering any port or place where the said superintendents or any of them shall be stationed, such duty on tonnage and goods as shall from time to time be specified in such order or orders not exceeding in respect of tonnage the sum of five shillings for every ton, and not exceeding in respect of goods the sum of ten shillings for every one hundred pounds of the value of the same, the fund arising from the collection of which duties shall be appropriated in such

manner as his Majesty in Council shall direct, towards defraying the expenses of the establishments by this Act authorized within the said dominions: provided always, that every Order in Council issued by authority of this Act shall be published in the *London Gazette;* and that every such Order in Council, and the amount of expense incurred, and of duties raised under this Act, shall be annually laid before both Houses of Parliament.

Limitation of actions.

IX. And be it enacted, that if any suit or action shall be brought against any person or persons for anything done in pursuance of this Act, then and in every such case such action or suit shall be commenced or prosecuted within six months after the fact committed, and not afterwards, except where the cause of action shall have arisen in any place not within the jurisdiction of any of his Majesty's Courts having civil jurisdiction, and then within six months after the plaintiff or plaintiffs, and defendant or defendants, shall have been within the jurisdiction of any such Court; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have arisen in any place not within the jurisdiction of any of his Majesty's Courts having civil jurisdiction; and the defendant or defendants shall be entitled to the like notice, and shall have the like privilege of tendering amends to the plaintiff or plaintiffs, or their agent or attorney, as is provided in actions brought against any justice of the peace for acts done in the execution of his office by an Act passed in the twenty-fourth year of the reign of King George the Second, intituled, "An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants;" and the defendant or defendants in every such action or suit may plead the general issue, and give the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than the same ought to have been brought or laid in as aforesaid, then the jury shall find for the defendant or defendants; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue any action after the defendant or defendants shall have appeared, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be taken against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law.

24 G. 2, c. 44.

General issue.

If action brought after time limited, &c.

Treble costs.

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3 & 4 GULIELMI IV. Cap. CI.

An Act *to provide for the Collection and Management of the Duties on Tea.* [29*th August*, 1833.]

Whereas the exclusive right of trading in tea now enjoyed by the United Company of Merchants of England trading to the East-Indies will on the twenty-second day of April one thousand eight hundred and thirty-four terminate, and it is therefore necessary to make further provisions for the regulation of the trade in tea and the duties payable thereon, and to transfer the management of the said duties from the Commissioners of Excise to the Commissioners of Customs; be it therefore enacted by the King's most excellent Majesty, by and

with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that from and after the twenty-second day of April one thousand eight hundred and thirty-four, it shall be lawful to import any tea into the United Kingdom from the Cape of Good Hope, and from places eastward of the same to the Straits of Magellan, and not from any other place, in such and the like manner as if the same were set forth in an Act passed in the present session of Parliament for the general regulation of the Customs.

Tea importable into the United Kingdom from the Cape of Good Hope and places eastward thereof.

II. And be it further enacted, that it shall be lawful to import any tea into any of the islands of Guernsey, Jersey, Alderney, or Sark, or into the British possessions of America, from the Cape of Good Hope and places eastward of the same to the Straits of Magellan, or from the United Kingdom, and not from any other place, in such and the like manner as if the same were set forth in an Act passed in the present session of Parliament to regulate the trade of the British possessions abroad.

Tea importable into British possessions, &c. from Cape of Good Hope, &c.

The former part of the third section imposed different rates of duty upon tea of various descriptions, but by 5 and 6 Wm. 4, cap. 32, all descriptions of tea are subjected to a duty of 2s. 1d. per lb. in addition to which they are further chargeable with 5 per cent. upon that duty under 3 and 4 Vict., cap. 17. The third section concludes with the following proviso:

Provided always, that nothing herein contained shall alter or affect the duties payable upon tea which shall have been sold by the East-India Company at their public sales prior to the said twenty-second day of April one thousand eight hundred and thirty-four: provided also that the allowance commonly called draft now made by the Commissioners of Excise in the weighing of tea shall be made by the Commissioners of Customs under the authority of this Act.

Not to affect tea sold before 22d April, 1834.

Allowance of draft.

IV. And be it further enacted, that no abatement of duty shall be made on account of damage received by any tea during the voyage; but it shall be lawful for the importer to separate the damaged parts, and to abandon the same to the Commissioners of the Customs for the duty.

Abatement for sea damage not to be allowed.

The fifth section relates to the mixing or packing together of different sorts of teas, but by 5 and 6 Wm. 4, cap. 32, above referred to, one rate of duty is imposed on all teas.

VI. And be it further enacted, that from and after the passing of this Act it shall be lawful for the Lords Commissioners of his Majesty's Treasury, by any warrant under the hands of any three or more of them, to order and direct that the importation of tea and the duties thereon shall be under the management of the Commissioners of Customs, instead of the management of the Commissioners of Excise, and from and after the time specified in any such warrant the same shall be transferred accordingly: provided always, that until the transfer of such management and of the custody of tea in warehouse shall have been fully made under the directions of the Lords Commissioners of his Majesty's Treasury, any act, matter, or thing done or performed by, to, or with the Commissioners of Excise or their officers shall have the same effect in law as if the same had been done or performed by, to, or

Importation of tea to be under management of Commissioners of Customs, but acts done by Excise to be legal.

with the Commissioners of the Customs or their officers under the authority of this Act; but
Licences to sell tea, and permits, not to be affected. nothing herein-before contained shall extend to alter or affect any law of excise relating to licences for the sale of tea, or relating to permits for the removal of tea, or otherwise to the internal management of tea by the Commissioners of Excise, after the duties of importation on the same shall have been paid, and after the same has been delivered out of the charge of the officers of the Customs.

The seventh section relates to the means of protecting the revenue by permits or otherwise, on the removal of tea.

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4 & 5 GULIELMI IV. Cap. XXIV.

An Act *to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances, to be made to Persons in respect of their having held Civil Offices in his Majesty's Service.* [25*th July*, 1834.]

57 G. 3, c. 65. Whereas by an Act passed in the fifty-seventh year of the reign of his late Majesty King George the Third, to enable his Majesty to recompense the services of persons holding or who have held certain high and efficient civil offices, his Majesty is empowered to grant pensions as therein provided, to persons who shall have served his Majesty, his heirs or successors, in
6 G. 4, c. 90. the offices therein mentioned: and whereas by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, for amending the said recited Act, it is enacted, that the several other offices therein particularly described shall be deemed to be comprised in the several classes of offices in the said recited Act respectively specified: and whereas it is expedient that the amount of the pensions by the said two Acts authorized to be granted should as to future pensions be reduced, and the conditions under which the same shall be granted be altered and regulated: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no pension to be granted to any person in respect of his having served in any one or more of the offices of First Lord of the Treasury, or of one of his Majesty's Principal Secretaries of State, or Chancellor of the Exchequer, or First Lord of the Admiralty, or President of the Board of Commissioners for the Affairs of India, or President of the Committee of Council appointed for the consideration of matters relating to Trade and Foreign Plantations, shall exceed the sum of two thousand pounds per annum: nor shall any such pension be granted to any person unless he shall have held one or more of the said offices for a period of not less than two years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than four such pensions hereafter to be granted be existing or in force at the same time.

Pensions to the First Lord of the Treasury, Secretaries of State, Chancellor of the Exchequer, First Lord of the Admiralty, President of the India Board, President of the Board of Trade;

Under Secretaries of State, Clerk of the Ordnance, second Secretary of Admiralty, Secretaries of India Board.

IV. And be it further enacted, that from and after the passing of this Act the pension, not exceeding one thousand pounds, authorized by the said recited Act to be granted to any person in respect of his having served in any one or more of the offices of one of the Under Secretaries of State, or Clerk of the Ordnance, or Second Secretary of the Admiralty, or one of the Secretaries of the Board of Commissioners for the Affairs of India, shall not be granted to any such person unless he shall have held one or more of the said offices for a period of not

less than ten years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than six such last-mentioned pensions be existing or in force at the same time.

V. Provided always, and be it enacted, that in case it shall happen that any person shall have served his Majesty, his heirs or successors, in more than one class of offices herein-before specified, in respect whereof any pension less than two thousand pounds may be granted, it shall be lawful to grant, under the regulations aforesaid, to such person any pension annexed to the highest class of office in which such person may have been employed, whenever the whole period of the service of such person in the several offices in which he shall have been employed shall amount to ten years, although the period of the service of such person in such highest class shall not have extended to the period of five years; provided always, that such person shall have served in such highest class for the period of not less than three years; and in cases in which the service of any such person in any class of those offices shall not be sufficient to entitle him to the pension of that class, it shall be lawful to grant him a pension not exceeding one thousand pounds, provided the period of his aggregate services in that and any inferior class or classes or department of the public service shall amount to ten years; provided also, that there shall not be more than the aforesaid number of pensions to that amount existing at the same time. Regulation as to period of service.

VI. And whereas the principle of the regulations for granting allowances of this nature is and ought to be founded on a consideration, not only of the services performed by the individual to the state, but of the inadequacy of his private fortune to maintain his station in life; be it therefore enacted, that from and after the passing of this Act, whenever any person shall seek to obtain any one of the pensions before-mentioned, his application for that purpose shall be made in writing to the Commissioners of his Majesty's Treasury, to which he shall subscribe his name, and which shall contain, not only a statement of the services performed by him, and the grounds on which such pension is claimed, but a specific declaration that the amount of his income from other sources is so limited as to bring him within the intent and meaning of this Act and the principle herein-above declared; and without such declaration no pension as herein-before provided or authorized shall be granted. Declaration to be made by persons claiming pensions.

The seventh section provides that pensions granted under this Act shall be subject to the regulations of 57 Geo. 3, cap. 65, and 6 Geo. 4, cap. 90, except so far as they may be altered or repealed. The principal of those regulations are the following:—no pension is to take effect till the surrender of office; no grant is to be valid unless it contain a provision for the suspension of the pension during the possession of any office producing not less than double the amount, and for reducing the pension by one half if the office be of equal value or more; upon the acceptance of the pension any pension previously enjoyed is to cease, except such as may be charged by Act of Parliament upon the Consolidated Fund; payment is to be made quarterly, exempt from fees and deductions, and the warrants, if signed, are not to be determinable by the demise of the Crown, or any change in the treasury.

4 & 5 GULIELMI IV. Cap. LXXIX.

An Act *to amend the Law relating to Insolvent Debtors in India.* [14*th August*, 1834.]

(Continued by 6 & 7 Wm. 4, cap. 47, until the 1st March, 1839, and from thence till the end of the then next session of Parliament; further continued by 3 & 4 Vic. cap. 80, till the 1st March, 1845, and from thence to the end of the then next session of Parliament. See also Act of Government of India, No. 4 of 1836, in Appendix.)

9 G. 4, c. 73. Whereas an Act was passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies until the first day of March, one thousand eight hundred and thirty-three;" and by 2 W. 4, c. 43, another Act passed in the second year of the reign of his present Majesty King William the Fourth, the said Act was continued in force until the first day of March, one thousand eight hundred and thirty-six: and whereas, in and by the said Act to provide for the Relief of Insolvent Debtors in the East-Indies, certain provisions were enacted as to a commission of bankruptcy issuing against any such insolvent debtor as therein mentioned, and as to the proceedings consequent thereon; and amongst other things it was enacted, that a certificate obtained under such commission as therein provided should have the same force and effect in all places situate without the limits of the East-India Company's Charter, as if the same had been duly signed in the usual way after such bankrupt had duly surrendered and passed his last examination; and it was also by the said Act amongst other things provided and enacted, that whenever it shall be made to appear to the satisfaction of any Court for Relief of Insolvent Debtors, upon the application of any insolvent, his assignee or assignees, or any of his or her creditors, that the estate of such insolvent debtor which shall have come to the hands of the assignee or assignees shall have produced sufficient to pay and discharge three-fourths of the amount of the debts which shall have been established in such Court, or that creditors to the amount of more than one-half in number and value of the debts which shall have been so established shall signify their consent in writing thereto, it shall be lawful for such Court to inquire into the conduct of the said insolvent, and if it shall appear to such Court that the said insolvent has acted fairly and honestly towards his or her creditors, such Court shall be fully authorized and empowered thereupon to order that the said insolvent shall be for ever discharged from all liability whatsoever for or in respect of such debts so established as aforesaid, and such Court shall, in the order to be drawn up, specify and set forth the names of such creditors, and after any such order shall have been so made no further proceedings shall be had in the matter of the petition before the Court, unless upon appeal made to the Supreme Court of Judicature of the presidency where such Court for the Relief of Insolvent Debtors shall be holden as thereby authorized; and it was by the said recited Act also provided, that no such order as last aforesaid shall prevent any creditor who shall not have been resident within the limits of the Charter of the said United Company at any time between the filing of such petition and the making of such order as last-mentioned, and who shall not have taken part in any of the proceedings under the said petition, from bringing any suit or action in the East-Indies for the purpose of obtaining execution against the goods, estate, or effects of such insolvent for any unsatisfied claim of such creditor, nor from bringing any

suit or action for such claim in any Court of the United Kingdom of Great Britain and Ireland, or elsewhere, without the limits of the said United Company's Charter, against such insolvent, in the same manner and with the like consequences and effects as if such order as last-mentioned had not been made; and whereas it is expedient to extend and add to the provisions of the said Acts, so as to give insolvent debtors, being traders, who shall have acted fairly and honestly towards their creditors, an additional and more complete discharge, and also to render more effectual the means of obtaining such discharge, and at the same time to preserve to such insolvent debtors such relief as is already afforded by the said recited Acts: and whereas under the provisions of the Act passed in the first and second years of his present Majesty King William the Fourth, intituled, "An Act to establish a Court in Bankruptcy," a fiat is issued in bankruptcy in lieu of a commission of bankrupt in every case where the Lord Chancellor, by virtue of any former Act, had heretofore power to issue a commission of bankrupt: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that any person who now is or who shall hereafter become an insolvent debtor within the intent and meaning of the said Act of the ninth year of the reign of his Majesty King George the Fourth, either upon petition filed, or by adjudication on an act of insolvency as therein provided, and who, at the time of such petition being filed or adjudication made as aforesaid, shall have been or shall be a person who, by an Act passed in the sixth year of the reign of his late Majesty, intituled, "An Act to amend the Laws relating to Bankrupts," or by any Act hereafter to be passed, would be deemed a trader liable to become bankrupt, shall be at liberty, at any time not earlier than three months from the making of such assignment as in the said Act, intituled, "An Act for the Relief of Insolvent Debtors in the East-Indies," directed, or from any such adjudication of insolvency as therein mentioned (as the case may be), to apply by petition for his discharge to any one of the said Courts in the East-Indies for the Relief of Insolvent Debtors, in the said last-mentioned Act mentioned, as shall have already jurisdiction over the matter of his insolvency; and the principal officer of such Court shall cause a notice of such petition to be forthwith inserted in the *Gazette* of the presidency within which such Court shall be holden; and the chief secretary of the government of such presidency shall, without delay, transmit to the Court of Directors of the said United Company, by different ships, two at least of every such *Gazette*, which shall contain such notice as aforesaid, who shall, without delay, cause such notice to be inserted in the *London Gazette*; and all creditors of the said insolvent, either alone or as partner with any other person or persons, and either within the limits of the said Charter of the said United Company, or elsewhere, who shall not within fourteen calendar months from the filing of such petition for a discharge as aforesaid have given notice to the said Court of his dissent from such insolvent having his discharge, shall be taken to have assented thereto; and thereupon, and at the expiration of the said fourteen calendar months from the filing of such petition for discharge as aforesaid, if it shall appear to such Court that the said insolvent has acted fairly and honestly towards his creditors, and unless creditors to the amount of one-sixth in number and value of the debts that shall have been established in such Court shall have given notice of their dissent as aforesaid, or unless a fiat in bankruptcy (not being a fiat issued under the provisions of the said recited Acts "to provide for the Relief of Insolvent Debtors in the East-Indies,") shall have been sued out in England against such insolvent within the time herein-after provided, such Court shall be authorized and empowered to order the discharge of the said insolvent from liability for debts, claims, and demands of and against such insolvent; and such order shall operate (save as herein-after provided) as a release and discharge from all debts claims, and

1 & 2 W. 4, c. 56.

Any insolvent within the meaning of the Act of 9 G. 4, may petition the Court for his discharge after three months.

6 G. 4, c. 16.

9 G. 4, c. 73.

Notice of such petition to be inserted in the *Gazette* of the Presidency, and in the *London Gazette*.

Creditors who shall not dissent within 14 months to be deemed to assent.

Court may then order discharge, unless 1-6th dissent, or a fiat in bankruptcy issue under the general Bankrupt Acts.

Order of Court to discharge all debts both in India and elsewhere.

demands for which such insolvent was liable at the time of his petition for relief being filed, or of any such act of insolvency committed as aforesaid (as the case may be), and whether, within the limits of the Charter of the said United Company, or elsewhere, and whether such debts, claims, and demands shall or shall not have been established in such Court as aforesaid; provided nevertheless, that such order shall not operate as a release or discharge of any person who was partner with such insolvent, or jointly bound or liable with him.

But not to discharge partners.

If any fiat of bankruptcy shall be issued under the Acts for Relief of Insolvent Debtors in India, then the discharge to be confined to India;

II. Provided always, and be it further enacted, that in case any fiat in bankruptcy shall be issued in England against any such insolvent trader as aforesaid, under the provisions of the said Act, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies," or under the provisions of any other Act passed or to be hereafter passed respecting insolvent debtors in the East-Indies, then and in such case such order for discharge as aforesaid shall not operate as a discharge of the debt, claim, and demand of any creditor who shall not have been resident within the limits of the Charter of the said United Company at any time between the filing of such petition and the making of such order as last-mentioned, nor shall any such creditor be debarred from bringing any suit or action for such debt, claim, or demand in any Court of the United Kingdom of Great Britain and Ireland, or elsewhere without the limits of the said United Company's Charter, against such insolvent, in the same manner and with the like consequences and effects as if such order as last-mentioned had not been made.

but on the order for discharge being proved to the Commissioner, and on his signing the bankrupt's certificate, such certificate is to be a general discharge from all debts.

III. Provided nevertheless, and be it further enacted, that in such last-mentioned case, upon any application made to the Commissioner acting in such fiat as aforesaid, to sign the certificate of such insolvent, and after the same shall have been signed by the requisite number of creditors under the provisions of the said Act, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies," or any other Act passed or hereafter to be passed respecting insolvent debtors in the East-Indies, then if it shall be made to appear to such Commissioner that such order for a discharge has been made by the Court in the East-Indies as aforesaid, and if such Commissioner shall sign such certificate, he shall also certify in writing upon such certificate that such insolvent has obtained such order for discharge in the East-Indies as aforesaid, and thereupon such certificate shall have the same force and effect, as well within as without the limits aforesaid, as a certificate duly obtained under the said Act of the sixth year of the reign of his Majesty King George the Fourth, intituled, "Act to amend the Laws relating to Bankrupts," or in any other Act passed or to be hereafter passed respecting bankrupts.

6 G. 4, c. 16.

In case there is no bankruptcy, the order of discharge to have effect everywhere.

IV. And be it enacted, that any such insolvent trader who shall not be made a bankrupt under the provisions of the said Act for the Relief of Insolvent Debtors in the East-Indies, or of any other Act passed or hereafter to be passed respecting insolvent debtors in the East-Indies, if he shall, after such order for his discharge shall have been made as aforesaid, be arrested, or have any action brought against him for any debt, claim, or demand for which he was so liable as aforesaid, either within the limits of the Charter of the said United Company or elsewhere, shall be discharged upon common bail, and may plead in general that the cause of action accrued b core he ceame insolvent, and may give this Act and the special matter in evidence; and such order as aforesaid, duly sealed with the seal of the said Court, shall be sufficient evidence in all Courts and places whatsoever of all the proceedings precedent to such order being made, and of the same being duly obtained; and if any such insolvent trader shall be taken in execution or detained in prison for such debt, claim, or demand, where judgment has been obtained before such order of the Court for his discharge

as aforesaid, it shall be lawful for any Judge of the Court wherein such judgment has been obtained, on such insolvent producing such order as aforesaid, to order any officer who shall have such insolvent in custody by virtue of such execution to discharge such insolvent without exacting any fee, and such officer shall be hereby indemnified for so doing; and any such insolvent trader who shall be a bankrupt under the provisions of the said last-mentioned Act, and who shall be arrested within the limits of the Charter of the said Company, shall be so discharged, and may so plead, and shall have otherwise such relief, within the said limits, as herein-before mentioned; and if he shall also obtain such certificate as herein-before provided, he may be at liberty to avail himself either of such certificate, or of such order of discharge as aforesaid, for the purposes of his discharge within the limits aforesaid.

If there be a bankruptcy, discharge to be confined to India.

If certificate be obtained, it may be pleaded in India.

V. And be it further enacted, that in case any fiat in bankruptcy (other than a fiat under the provisions of the said Act, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies, or any other Act relating to the Insolvent Debtors in the East-Indies,") be issued against any such insolvent trader within the period of eight calendar months from the time of such petition for relief being filed, or of such adjudication of insolvency being made, as the case may be, and such insolvent trader shall be duly adjudged a bankrupt under such fiat, then and in such case such Court as aforesaid shall not be authorized and empowered to make any such order for discharge as aforesaid.

If a fiat under the Bankrupt Act within eight months after petition for discharge, the Court to make no order.

VI. And be it further enacted, that after the expiration of such eight calendar months as aforesaid, no fiat shall issue against any such insolvent, upon any petitioning creditor's debt due before the filing of such petition for relief, or such adjudication of insolvency (as the case may be); and in case any fiat shall issue against such insolvent trader as aforesaid, upon a petitioning creditor's debt incurred subsequently to such filing of the petition for relief, or to such adjudication of insolvency as aforesaid, such fiat shall not in any manner affect, invalidate, or interfere with the proceedings under the insolvency previously existing in the East-Indies, nor shall the assignees under such fiat acquire any right or title to take possession of, demand, sue for, or recover any property or interest, real or personal wheresoever situated, which belonged to such insolvent at the time of such petition for relief being filed, or of such adjudication of insolvency as aforesaid, but the assignee or assignees appointed by such Court for the Relief of Insolvent Debtors, shall have the sole and exclusive right and title thereto; and all debts, claims, and demands, due and payable to such insolvent at the time of such petition for relief being filed, or of such adjudication of insolvency as aforesaid, shall be established under such insolvency, and shall not be provable under such last-mentioned fiat.

But no fiat to issue against a trader who is already before the Insolvent Court, after the eight months from the petition for discharge.

VII. And whereas by the said recited Act of the ninth year of the reign of his late Majesty King George the Fourth, it is enacted, that all such insolvent debtors as therein mentioned shall, within the time also therein mentioned, deliver into the Court a schedule containing a full and true account of their debts, estates, and effects, as therein mentioned, and which schedule is thereby directed to be forthwith filed in the said Court; and whereas it is expedient that the creditors of such insolvent debtors residing out of the limits of the said Company's Charter, should have the means of inspecting such schedule with equal facility with creditors of such insolvent debtors residing within the limits of the said Charter; be it therefore further enacted, that the principal officer of the said respective Courts for the Relief of Insolvent Debtors shall, without delay, transmit to the Court of Directors of the said Company, by different ships, two or more copies of each such schedule, and the said Court

Schedules of debtors in India to be transmitted to Court of Directors in England, and to be open to inspection of creditors.

shall retain the same, and permit any person or persons being a creditor or creditors of any such insolvent debtor, to inspect and examine at all seasonable times such schedule, and shall, upon the request and at the reasonable costs and charges of any such creditor or creditors (such costs and charges to be regulated by the said Court), provide for him or them a copy or copies of any such schedule.

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5 & 6 GULIELMI IV. Cap. VI.

An Act *to indemnify the Governor-general and other Persons in respect of certain Acts done in the Administration of the Government of the British Territories in the East-Indies subsequent to the Twenty-second Day of April, one thousand eight hundred and thirty-four, and to make those Acts valid.*

[13*th April*, 1835.]

3 & 4 W. 4, c. 85. Whereas under and by virtue of an Act of Parliament made and passed in the fourth year of the reign of his present Majesty, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories, till the thirtieth day of April, one thousand eight hundred and fifty-four," the superintendence, direction, and control of the whole civil and military government of all the British territories and revenues in India is vested in a Governor-general and Councillors, styled "The Governor-general of India in Council;" and it is thereby enacted, that there shall be four ordinary members of the said Council, to be appointed by the Court of Directors of the said Company, as therein mentioned; and it is thereby enacted, that the person who should be Governor-general of the Presidency of Fort William in Bengal on the twenty-second day of April, one thousand eight hundred and thirty-four should be the first Governor-general of India under that Act, and that such persons who should be Members of Council of the same Presidency on that day should be respectively Members of the Council constituted by that Act; and it is also enacted, that the said Council shall from time to time assemble at such place or places as shall be appointed by the said Governor-general in Council within the said territories; and various provisions are made for the administration of the government of the said territories, all of which it is thereby enacted shall commence and take effect from and after the twenty-second day of April then next, (that is to say), from and after the twenty-second day of April, one thousand eight hundred and thirty-four; and whereas by a commission under the seal of the Honourable the East-India Company, bearing date the twenty-seventh day of December, one thousand eight hundred and thirty-three, duly issued by order of the Court of Directors of the said Company in that behalf, the said Court did appoint Lord William Cavendish Bentinck to be Governor-general of India, to take upon himself the said office upon and from the twenty-second day of April, one thousand eight hundred and thirty-four, and did further appoint William Blunt, esquire, Alexander Ross, esquire, William Byam Martin, esquire, and Thomas Babington Macauley, esquire, to be respectively the first, second, third, and fourth ordinary Members of the said Council; and by another commission bearing the same date the said Court did appoint Sir Charles Theophilus Metcalfe, baronet, to be Governor of the Presidency of Agra, which Presidency is by the said recited Act directed to be constituted, to take upon himself the said office upon

and from the said twenty-second day of April, one thousand eight hundred and thirty-four: and whereas under and by virtue of the former appointments of the Court of Directors of the said Company at the time of issuing the said commissions, and from thence until the twenty-second of April, one thousand eight hundred and thirty-four, the said Lord William Cavendish Bentinck was Governor of the Presidency of Fort William in Bengal, and the said Sir Charles Theophilus Metcalfe, and the said William Blunt and Alexander Ross were respectively Members of the Council of the said Presidency, and in virtue of the provisions of former Acts the said Sir Charles Theophilus Metcalfe was also Vice-President of the said Council: and whereas on the said twenty-second day of April, one thousand eight hundred and thirty-four the said Lord William Cavendish Bentinck was, in consequence of ill-health, at Ootacamund in the Presidency of Madras, and the said Sir Charles Theophilus Metcalfe and the aforesaid William Blunt were at Calcutta, and the said Alexander Ross, William Byam Martin, and Thomas Babington Macauley were not in the East-Indies, and Lieutenant-colonel William Morrison, who had been appointed by the said Court a Provisional Councillor of India, was in Mysore; and for these and other reasons the Government of the said Presidency, and other the territories belonging to the East-India Company in India was administered for a time otherwise than in accordance with the said recited Act; and it is expedient that the said Lord William Cavendish Bentinck, and Sir Charles Theophilus Metcalfe, and William Blunt, and all other persons by whom the said government was so administered, and all persons acting under the order of them or of any or either of them, should be indemnified in manner herein-after mentioned, and their acts rendered valid: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Lord William Cavendish Bentinck, Sir Charles Theophilus Metcalfe, and William Blunt, and also the several persons who at any time after the said twenty-second day of April, one thousand eight hundred and thirty-four were or acted as Members of the Council of India, and also all persons acting under the authority of them or any or either of them, shall be and they are jointly and severally hereby indemnified, freed, and discharged from and against all actions, suits, prosecutions, and penalties whatsoever, for or on account or in respect of all or any acts, matters, and things whatsoever done, ordered, directed, or authorized by the said Governor-general and Vice-President and Members of Council, or any or either of them, or by any person or persons acting under the authority of them or of any or either of them; so only and provided that such acts, matters, and things shall have been done, ordered, directed, or authorized *bonâ fide* in the exercise of the administration of the government of the British territories in the East-Indies, between the said twenty-second day of April, one thousand eight hundred and thirty-four and the first day of January, one thousand eight hundred and thirty-five.

Governor-general, Vice-President, and members of Council in India, &c. indemnified for all acts done by them between 22d April, 1834, and 1st January, 1835;

II. And be it further enacted and declared, that all such acts, matters, and things shall be as valid and effectual, and shall be and be deemed to be of as much force, validity, and effect as if the same had been expressly authorized by the said recited Act. (1)

and such Acts to be valid.

(1) [See Act of Government of India, No. 1 of 1834, in Appendix.]

5 & 6 GULIELMI IV. Cap. XIX.

An Act *to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service.* [30*th July*, 1835.]

Seamen not to be discharged abroad, without sanction of one of certain functionaries.

XLI. And be it further enacted, that no such master shall discharge any individual person of his crew, whether British subject or foreigner, at any of his Majesty's colonies or plantations, without the previous sanction in writing of the Governor, Lieutenant-governor, Secretary, or other officer appointed in that behalf by the Government there, or in the absence of all such authorities at or near to the port or place at which the ship shall be then lying, then of the chief officer of Customs of such colony or plantation resident at or near to such port or place; nor shall he discharge any such person at any other place abroad without the like previous sanction in writing of his Majesty's minister, consul, or vice-consul there, or in the absence of any such functionary, then of two respectable merchants resident there; all which said functionaries respectively are hereby authorized and required, and all which said merchants are hereby authorized, in a summary way to inquire into the grounds of any such proposed discharge by examination on oath, and thereupon to grant or refuse such sanction according to their discretion, having regard to the objects of this Act.

Nor to be left abroad on the plea of incapacity to proceed, desertion, or disappearance, without a similar authority.

XLII. And be it further enacted, that no such master shall be at liberty to leave behind at any place abroad, either on shore or at sea, any person of his crew as aforesaid, on the plea of such person not being in a condition to proceed on the voyage, or having deserted from the ship, or otherwise disappeared, unless upon a previous certificate in writing of one of such functionaries or merchants as aforesaid, if there be any such at or within a reasonable distance from the place where the ship shall then be, if there be time to procure the same, certifying that such person is not in such condition, or has deserted or disappeared, and cannot be brought back; and all such functionaries as aforesaid are hereby authorized and required, on the application of any such master, to inquire by examination on oath into the circumstances, and to give or refuse such certificate according to the result of such examination.

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5 & 6 GULIELMI IV. Cap. XXXII.

An Act *to impose certain Duties on Tea.*

[21*st August*, 1835.]

3 & 4 W. 4, c. 101.

Whereas an Act was passed in the third and fourth year of the reign of his present Majesty, intituled, "An Act to provide for the Collection and Management of the Duties on Tea:" and whereas it is found expedient to alter the rates of duty thereby imposed; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled,

and by the authority of the same, that from and after the first day of July one thousand eight hundred and thirty-six, the several duties on tea imposed by the said recited Act shall cease and determine, save and except as to any arrears of such duties which may then be due and payable and unpaid; and in lieu and instead thereof there shall be charged a duty of two shillings and one penny on every pound weight of tea which after the said day shall be imported, or which, having been previously imported, shall after that day be entered for home consumption in the United Kingdom; which said duty shall be raised, levied, collected, and paid under the like rules and regulations, so far as the same may be applicable, and shall be appropriated and applied in such and the like manner, as the duties on tea imposed by the said recited Act.

After 1st July, 1836, the present duties on tea to cease, and a duty of 2*s.* 1*d.* per pound to be charged in lieu thereof.

Under 3 & 4 Vic. cap. 17, tea is subject to an additional duty of 5 per cent. on the amount of the former duty.

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5 & 6 GULIELMI IV. Cap. LII.

An Act *to authorize the Court of Directors of the East-India Company to suspend the Execution of the Provisions of the Act of the Third and Fourth William the Fourth, Chapter eighty-five, so far as they relate to the Creation of the Government of Agra.* [31*st August*, 1835.]

Whereas by an Act of Parliament made and passed in the fourth year of the reign of his present Majesty, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories, till the Thirtieth Day of April one thousand eight hundred and fifty-four," it is among other things enacted, that the territories then subject to the Government of the presidency of Fort William in Bengal shall be divided into two distinct presidencies, one of such presidencies, in which shall be included Fort William aforesaid, to be styled the presidency of Fort William in Bengal, and the other of such presidencies to be styled the presidency of Agra; and whereas much difficulty has arisen in carrying such enactment into effect, and the same would be attended with a large increase of charge: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the Court of Directors of the East-India Company, under the direction and control of the Board of Commissioners for the affairs of India, to suspend the execution of the provisions of the said in part recited Act so far as the same relate to the division of the said territories into two distinct presidencies, and to the measures consequent thereupon, for such time and from time to time as the said Court of Directors, under the direction and control of the said Board of Commissioners, shall think fit.

3 & 4 W. 4, c. 85.

East-India Company may suspend provisions of recited Act as to the division of the territories into two presidencies.

II. And be it further enacted, that for and during such time as the execution of such provisions aforesaid shall be suspended by the authority aforesaid, it shall and may be lawful for the Governor-general of India in Council to appoint from time to time any servant of the

Governor-general, during such suspension, may appoint a lieutenant governor of

the north-western provinces. East-India Company, who shall have been ten years in their service in India, to the office of lieutenant-governor of the north-western provinces now under the presidency of Fort William in Bengal, and from time to time to declare and limit the extent of the territories so placed under such lieutenant-governor, and the extent of the authority to be exercised by such lieutenant-governor, as to the said Governor-general in Council may seem fit.

The operation of the provisions of 3 & 4 Wm. 4, cap. 85, respecting the establishment of a fourth Presidency has been suspended, and a Lieutenant-governor of Agra appointed under this Act.

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5 & 6 GULIELMI IV. Cap. LXII.

An Act *to repeal an Act of the present Session of Parliament, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and to make other Provisions for the Abolition of unnecessary Oaths.*
[*9th September*, 1835.]

5 W. 4, c. 8. Whereas an Act was passed in the present session of Parliament, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and it was thereby enacted that the said Act should commence and take effect from and after the first day of June, in this present year, the year of our Lord one thousand eight hundred and thirty-five, it not being intended that the said recited Act should take effect before the same received the royal assent: and whereas the said recited Act did not receive the royal assent till after the said first day of June, one thousand eight hundred and thirty-five; and whereas it was enacted by the said recited Act, that from and after the first day of June next ensuing it should not be lawful for any justice of the peace to administer or receive such voluntary oaths as are therein mentioned, it being intended that the said prohibition should take effect from the time of the commencement of the said recited Act: and whereas it is expedient to amend the said Act, and to make some further provisions for the better effecting the object thereof, and to consolidate all the provisions relating thereto into one Act: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the said recited Act shall be and the same is hereby repealed. Recited Act repealed.

Lords of the Treasury empowered to substitute a declaration in lieu of an oath, &c. in certain cases. II. And be it further enacted, that in any case where, by any Act or Acts made or to be made relating to the revenues of Customs or Excise, the Post Office, the office of Stamps and Taxes, the office of Woods and Forests, land revenues, works and buildings, the War Office, the Army Pay Office, the office of the Treasurer of the Navy, the Accountant-general of the

Navy, or the Ordnance, his Majesty's Treasury, Chelsea Hospital, Greenwich Hospital, the Board of Trade, or any of the offices of his Majesty's principal Secretaries of State, the India Board, the office for auditing the Public Accounts, the National Debt Office, or any office under the control, direction, or superintendence of the Lords Commissioners of his Majesty's Treasury, or by any official regulation in any department, any oath, solemn affirmation, or affidavit might, but for the passing of this Act, be required to be taken or made by any person on the doing of any act, matter, or thing, or for the purpose of verifying any book, entry, or return, or for any other purpose whatsoever, it shall be lawful for the Lords Commissioners of his Majesty's Treasury or any three of them, if they shall so think fit, by writing under their hands and seals, to substitute a declaration to the same effect as the oath, solemn affirmation, or affidavit, which might but for the passing of this Act be required to be taken or made; and the person who might under the Act or Acts imposing the same be required to take or make such oath, solemn affirmation, or affidavit shall, in presence of the commissioners, collector, other officer or person empowered by such Act or Acts to administer such oath, solemn affirmation, or affidavit, make and subscribe such declaration, and every such commissioner, collector, other officer or person is hereby empowered and required to administer the same accordingly.

Declaration substituted to be published in the *Gazette*, and after 21 days from the date thereof, the provisions of this Act to apply;

III. And be it enacted, that when the said Lords Commissioners of his Majesty's Treasury or any three of them shall, in any such case as herein-before mentioned, have substituted, in writing under their hands and seals, a declaration in lieu of an oath, solemn affirmation, or affidavit, such Lords Commissioners shall, so soon as conveniently may be, cause a copy of the instrument substituting such declaration to be inserted and published in the *London Gazette;* and from and after the expiration of twenty-one days next following the day of the date of the *Gazette* wherein the copy of such instrument shall have been published, the provisions of this Act shall extend and apply to each and every case specified in such instrument as well and in the same manner as if the same were specified and named in this Act.

and no oath to be administered in lieu of which such declaration has been directed.

IV. And be it enacted, that after the expiration of the said twenty-one days it shall not be lawful for any commissioner, collector, officer, or other person to administer or cause to be administered, or receive or cause to be received, any oath, solemn affirmation, or affidavit, in the lieu of which such declaration as aforesaid shall have been directed by the Lords Commissioners of his Majesty's Treasury to be substituted.

False declarations in matters relating to certain revenues a misdemeanor.

V. And be it enacted, that if any person shall make and subscribe any such declaration as herein-before mentioned in lieu of any oath, solemn affirmation, or affidavit by any Act or Acts relating to the revenues of Customs or Excise, Stamps and Taxes, or Post Office, required to be made on the doing of any act, matter, or thing, or for verifying any book, account, entry, or return, or for any purpose whatsoever, and shall wilfully make therein any false statements as to any material particular, the person making the same shall be deemed guilty of a misdemeanor.

Oath of allegiance still to be required in all cases.

VI. Provided always, and be it enacted, that nothing in this Act contained shall extend or apply to the oath of allegiance in any case in which the same now is or may be required to be taken by any person who may be appointed to any office, but that such oath of allegiance shall continue to be required, and shall be administered and taken as well and in the same manner as if this Act had not been passed.

Oaths in Courts of justice, &c. still to be taken.

VII. Provided also, and be it enacted, that nothing in this Act contained shall extend or apply to any oath, solemn affirmation, or affidavit which now is or hereafter may be made or

taken, or be required to be made or taken, in any judicial proceeding in any Court of justice, or in any proceeding for or by way of summary conviction before any justice or justices of the peace, but all such oaths, affirmations, and affidavits shall continue to be required, and to be administered, taken, and made, as well and in the same manner as if this Act had not been passed.

Universities of Oxford and Cambridge, and other bodies, may substitute a declaration in lieu of an oath.

VIII. And be it enacted, that it shall be lawful for the Universities of Oxford and Cambridge, and for all other bodies corporate and politic, and for all bodies now by law or statute or by any valid usage, authorized to administer or receive any oath, solemn affirmation, or affidavit, to make statutes, by-laws, or orders authorizing and directing the substitution of a declaration in lieu of any oath, solemn affirmation, or affidavit now required to be taken or made: provided always, that such statutes, by-laws, or orders, be otherwise duly made and passed according to the Charter, laws, or regulations of the particular University, other body corporate and politic, or other body so authorized as aforesaid.

Declaration in writing sufficient to prove execution of any will, codicil, &c.

XVI. And be it further enacted, that it shall and may be lawful to and for any attesting witness to the execution of any will or codicil, deed, or instrument in writing, and to and for any other competent person, to verify and prove the signing, sealing, publication, or delivery of any such will, codicil, deed, or instrument in writing, by such declaration in writing made as aforesaid, and every such justice, notary, or other officer shall be and is hereby authorized and empowered to administer or receive such declaration.

Suits on behalf of his Majesty to be proved by declaration

XVII. And be it further enacted, that in all suits now depending or hereafter to be brought in any Court of Law or Equity by or on behalf of his Majesty, his heirs and successors, in any of his Majesty's said territories, plantations, colonies, possessions, or dependencies, for or relating to any debt or account, that his Majesty, his heirs and successors, shall and may prove his and their debts and accounts, and examine his or their witness or witnesses by declaration, in like manner as any subject or subjects is or are empowered or may do by this present Act.

Voluntary declaration in the form in the schedule may be taken.

Making false declaration a misdemeanor.

XVIII. And whereas it may be necessary and proper in many cases not herein specified to require confirmation of written instruments or allegations, or proof of debts, or of the execution of deeds or other matters; be it therefore further enacted, that it shall and may be lawful for any justice of the peace, notary public, or other officer now by law authorized to administer an oath, to take and receive the declaration of any person voluntarily making the same before him in the form in the schedule to this Act annexed; and if any declaration so made shall be false or untrue in any material particular the person wilfully making such false declaration shall be deemed guilty of a misdemeanor.

Declarations to be in the form prescribed by schedule.

XX. And be it further enacted, that in all cases where a declaration in lieu of an oath shall have been substituted by this Act, or by virtue of any power or authority hereby given, or where a declaration is directed or authorized to be made and subscribed under the authority of this Act, or of any power hereby given, although the same be not substituted in lieu of an oath heretofore legally taken, such declaration, unless otherwise directed under the powers hereby given, shall be in the form prescribed in the schedule hereunto annexed.

Persons making false declaration deemed guilty of a misdemeanor.

XXI. And be it further enacted, that in any case where a declaration is substituted for an oath under the authority of this Act, or by virtue of any power or authority hereby given, or is directed and authorized to be made and subscribed under the authority of this Act, or

by virtue of any power hereby given, any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor.

XXII. And be it enacted, that this Act shall commence and take effect from and after the first day of October in this present year, the year of our Lord one thousand eight hundred and thirty-five. Act to take effect after 1st October, 1835.

Schedule referred to by the foregoing Act.

"I, *A. B.*, do solemnly and sincerely declare, that and I make this "solemn declaration conscientiously believing the same to be true, and by virtue of the "provisions of an Act made and passed in the year of the reign of his present "Majesty, intituled, *An Act* [*here insert the Title of this Act.*]"

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5 & 6 GULIELMI IV. Cap. LXIV.

An Act *to alter certain Duties of Stamps and Assessed Taxes, and to regulate the Collection thereof.* [*9th September*, 1835.]

IV. And whereas it is expedient that the bonds to be made and issued by the East-India Company for the payment of any definite and certain sum of money should be freed and exempted from all Stamp duties, upon payment by the said Company of an annual sum as a composition for and in lieu of such duties, in the manner herein-after mentioned; be it therefore enacted, that from and after the passing of this Act it shall be lawful for the Commissioners of his Majesty's Treasury for the time being, or any three or more of them, from time to time, to compound and agree with the East-India Company for the payment by the said Company of such an annual sum of money as the said Commissioners shall deem to be a reasonable composition for and in lieu of the Stamp duties which would otherwise be payable on such bonds as aforesaid, to be made and issued by the said Company at any time during the term for which such composition shall be made; which said sum of money so agreed upon shall be paid to the Receiver-general of Stamps and Taxes by two equal half-yearly payments on such days in every year during the said term as the said Commissioners shall appoint for that purpose, and the payment thereof accordingly shall be secured by the bond of the said Company, which is hereby exempted from Stamp duty; and every such composition shall be made either for one year or for any term not exceeding five years, at the discretion of the said Commissioners, and may be renewed and continued from time to time for any further term not exceeding as aforesaid, and for the payment of the same or any greater or less annual sum as the said Commissioners shall deem to be reasonable; and upon such composition being agreed upon and secured in manner aforesaid, all the bonds for the payment of any definite and certain sum or sums of money which shall be made and issued by the said Company during the term for which such composition shall be made, renewed, or continued shall be and the same are hereby freed and exempted from all Stamp duties. Commissioners of the Treasury authorized to compound with the East-India Company for the stamp duties on India bonds.

V. And whereas under and by virtue of the laws in force in Great Britain the transfer of any share in the stock and funds of the East-India Company, whether upon a sale or other- Transfers in England of the territorial debt of the East-India

Company to be chargeable with a stamp duty of 30s. only.

wise is subject to a stamp duty of one pound ten shillings: and whereas a portion of the territorial debt of the said Company in India may be transferred from the books of the Company in India to their books in England, and may be transferable in such last-mentioned books in the same manner as the stock and funds of the said Company commonly called East-India stock are now transferable; and it is expedient that all transfers of the said territorial debt which may be made in England should be subject only to the same amount of stamp duty as transfers of shares in the stock and funds of the said Company called East-India stock are now subject to as aforesaid; be it therefore enacted, that from and after the passing of this Act every transfer of any part of the said territorial debt in the books of the said Company in England, whether upon a sale thereof or otherwise, shall be chargeable with a stamp duty of one pound ten shillings and no more.

Letters of attorney for voting on the election of East-India Directors exempted from stamp duty.

VI. And whereas under and by virtue of the laws in force in Great Britain and Ireland respectively letters or powers of attorney are chargeable with certain stamp duties, and it is expedient to exempt from such duties the letters or powers of attorney herein-after mentioned; be it therefore enacted, that from and after the passing of this Act all letters or powers of attorney for voting on any election of a Director or Directors of the East-India Company shall be and the same are hereby exempted from all stamp duties whatsoever.

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5 & 6 GULIELMI IV. Cap. LXVI.

An Act *to amend the Law relating to the Customs.* [*9th September*, 1835.]

3 & 4 W. 4, c. 56.

Whereas an Act was passed in the third and fourth years of his present Majesty, intituled, "An Act for granting Duties of Customs;" and it is expedient to alter and amend the same in manner herein-after provided: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, instead of the duties now payable under the said Act upon coffee the produce of the British possessions, within the limits of the East-India Company's Charter, and imported from such possessions, and upon coffee the produce of Sierra Leone, and imported from thence, there shall be paid for every pound of such coffee a duty of sixpence. (1) * * * *

Regulating the duty on coffee and the other articles herein mentioned.

(1) [The duty on coffee imported from any place within the limits of the Charter, not being a British possession, is 1*s*. See table appended to 3 & 4 Wm. 4, cap. 56.]

The remainder of section 1 relates to articles the produce of Africa and of British possessions in Europe.

Regulating the entry of coffee the produce of British possessions in the East-Indies.

II. And be it further enacted, that no coffee shall be entered as being the produce of any British possession within the limits of the East-India Company's Charter, unless the master of the ship importing the same shall have delivered to the collector or controller a certificate under the hand and seal of the proper officer at the place where such coffee was taken

on board, testifying that a declaration in writing had been made and signed before him (the contents of which he had examined and believed to be true) by the shipper of such coffee, that the same was really and *bonâ fide* the produce of some such British possession, nor unless such master shall also make and subscribe a declaration before the collector or controller that such certificate was received by him at the place where such coffee was taken on board, and that the coffee so imported is the same as is mentioned therein.

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6 & 7 GULIELMI IV. Cap. XXVI.

An Act *for granting to his Majesty, until the Fifth Day of July one thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year one thousand eight hundred and thirty-six.*

[*4th July*, 1836.]

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, have freely and voluntarily resolved to give and grant unto your Majesty the duties herein-after mentioned; and therefore do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that on and from and after the fifth day of July one thousand eight hundred and thirty-six, and until the fifth day of July one thousand eight hundred and thirty-seven, (1) there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, the duties of Customs following; (that is to say,) Duties.

Sugar, *videlicet*,	£.	*s.*	*d.*
—— Brown or Muscovado or clayed sugar, not being refined, the hundred weight - - - - -	3	3	0
—— - - - the growth of any British possession in America, and imported from thence, the hundred weight - - -	1	4	0
—— - - - the growth of any British possession within the limits of the East-India Company's Charter, into which the importation of foreign sugar may be by this Act (2) prohibited, and imported from thence, the hundred weight -	1	4	0
—— - - - the growth of any other British possession within those limits, and imported from thence, the hundred weight -	1	12	0
—— Molasses, the hundred weight - - - -	1	3	9
—— - - - the produce of and imported from any British possession, the hundred weight - - - -	0	9	0
—— refined, the hundred weight - - - - -	8	8	0
—— Candy, brown, the hundred weight - - - -	5	12	0
—— - - - white, the hundred weight - - - -	8	8	0

3 & 4 W. 4, c. 56. Which several duties shall be raised, levied, collected, and paid in like manner as if such duties had been imposed by an Act passed in the third and fourth years of the reign of his present Majesty, intituled, "An Act for granting Duties of Customs."

(1) [Continued by 7 Wm. 4 & 1 Vic. cap. 27, 1 & 2 Vic. cap. 33, 2 & 3 Vic. cap. 21, and 3 & 4 Vic. cap. 23,—by the last Act to 5th July, 1841.]

(2) [The prohibitions and exceptions will be found in sections 3 and 4 of this Act. By 7 Wm. 4 & 1 Vic. cap. 27, sec. 3, 1 & 2 Vic. cap. 33, sec. 4, 2 & 3 Vic. cap. 21, sec. 4, and 3 & 4 Vic. cap. 23, sec. 4, it was declared lawful for her Majesty to extend the privileges of importation at the lower rate of duty, subject to the restrictions and conditions of this Act, to any British possession within the limits of the Charter, on satisfactory proof being laid before her Majesty in Council that the importation of foreign sugar into such possession is prohibited. By Act of Government of India, No. 15 of 1839, (see Act in Appendix,) the importation of foreign sugar into any of the territories subject to the presidency of Fort Saint George is from 10th June, 1840, prohibited; and under an Order in Council dated 22d May, 1840, sugar the produce of those territories is admissible at the lower rate of duty.]

The second section relates to bounties on sugars exported from the United Kingdom.

Foreign sugar not to be imported into certain British possessions.

III. And be it further enacted, that from and after the first day of December one thousand eight hundred and thirty-six, it shall not be lawful to import into any part of the presidency of Fort William in Bengal, or of any dependency thereof, being a British possession, any foreign sugar, nor any sugar the growth of any British possession into which foreign sugar can be legally imported, save and except into such districts or provinces of the said presidency or of the dependencies thereof, as shall be appointed by the Governor-general of India in Council.

Sugar not to be imported at a lower rate of duty.

IV. Provided always, and be it further enacted, that no sugar the produce of any district or province in respect of which any such order or orders shall be issued shall be imported into any part of the United Kingdom at the lower rate of duty proposed by this Act.

Certificate of origin.

V. And be it further enacted, that before any sugar shall be entered as being of the produce of any of the provinces composing the presidency of Fort William in Bengal, or of any of the dependencies thereof, being a British possession, at the lower rate of duty fixed by this Act, the master of the ship importing the same shall deliver to the collector or controller of the Customs at the port of importation a certificate under the hand and seal of the collector of sea Customs of the port where such sugar was taken on board within the limits of the presidency of Fort William in Bengal, or of any of the dependencies thereof, being a British possession, testifying that there had been produced to him by the shipper of such sugar a

certificate under the hand and seal of the collector or assistant collector of the land or custom revenue of the district within which such sugar was produced that such sugar was of the produce of the district, and that the importation into such district of foreign sugar, or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited; which certificate so granted by the said collector of sea customs shall state the name of the districts in which such sugars were produced, their quantity and quality, the number and denomination of the packages containing the same, and the name of the ship in which they are laden, and of the master thereof; and that such master shall also make a declaration before the collector or controller that such certificate was received by him at the place where such sugar was taken on board, and that the sugar so imported is the same as is mentioned therein. (1)

(1) [See 3 & 4 Wm. 4, cap. 52, sec. 38.]

VI. Provided always, and be it further enacted, that it shall be lawful for the Governor-general of India in Council to appoint any officer or officers, other than the said collector and assistant collector of land revenue and the collector of customs, to give such certificates.

Governor-general may appoint persons to give certificates.

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6 & 7 GULIELMI IV. Cap. XLVII.

An Act *to continue until the First Day of March one thousand eight hundred and thirty-nine, and from thence until the end of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in India.* [28*th July*, 1836.]

The Acts recited in the preamble were further continued by 3 & 4 Vic. cap. 80, till the 1st March, 1845, and from thence to the end of then next session of Parliament.

Whereas an Act was passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies, until the first day of March one thousand eight hundred and thirty-three:" and whereas a certain other Act was passed in the second year of the reign of his present Majesty, intituled, "An Act to continue until the first day of March one thousand eight hundred and thirty-six, an Act of the ninth year of his late Majesty for the Relief of Insolvent Debtors in India," whereby the said first-mentioned Act was continued in force until the first day of March one thousand eight hundred and thirty-six: and whereas a certain other Act was passed in the fifth year of the reign of his present Majesty, intituled, "An Act to amend the Law relating to Insolvent Debtors in India:" and whereas it is expedient that the said first-mentioned Act, as amended by the said last-mentioned Act, should be continued; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and

9 G. 4, c. 73.

2 W. 4, c. 43.

5 W. 4, c. 79.

Recited Acts continued.

by the authority of the same, that the said Acts shall be and the same are hereby continued until the first day of March one thousand eight hundred and thirty-nine, and from thence until the end of the then next session of Parliament. (1)

(1) [See Act of Government of India, No. 4 of 1836, in Appendix.]

Acts and deeds done subsequent to the expiration of recited Acts to be deemed valid.

II. And whereas it may have happened that divers Acts have been done since the first day of March last pursuant to the provisions in the said recited Acts contained, and doubts may be entertained of the validity or efficacy of such Acts, or of some of them, and it is expedient that such doubts should be removed; be it therefore enacted and declared, that all acts, deeds, matters, and things whatsoever which shall have been made or done on or subsequent to the said first day of March last, and which would have been valid and effectual if the said several Acts had been then in force, are and shall be, and shall be held, adjudged, deemed, and taken to be, as valid and effectual to all intents and purposes as if the said recited Acts had not expired, and this Act had passed on the twenty-ninth day of February last.

Act may be altered this session.

III. And be it enacted, that this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present session of Parliament.

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6 & 7 GULIELMI IV. Cap. LIII.

AN ACT *for enabling his Majesty to grant Admiralty Jurisdiction to the Court of Judicature of Prince of Wales's Island, Singapore, and Malacca.*

[*13th August*, 1836.]

Whereas it is expedient that his Majesty's Court of Judicature of Prince of Wales's Island, Singapore, and Malacca, should have jurisdiction as a Court of Admiralty; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for his Majesty, by Charter or Letters Patent under the great seal of the United Kingdom of Great Britain and Ireland, to grant and commit to the said Court of Judicature of Prince of Wales's Island, Singapore, and Malacca, powers and authorities for the exercise of Admiralty jurisdiction to the same extent, in all respects as his Majesty's Supreme Court of Judicature at Fort William in Bengal, is now by virtue of any Charter or Acts of Parliament authorized to exercise any Admiralty jurisdiction.

Admiralty jurisdiction existing at Fort William extended to Prince of Wales's Island, &c.

By whom the warrant to be countersigned.

II. And be it further enacted, that when it shall please his Majesty to issue any Charter or Letters Patent by virtue of this Act, the warrant for such Charter or Letters Patent shall be countersigned by the President of the Board of Commissioners for the Affairs of India, and by no other person.

6 & 7 GULIELMI IV. Cap. LVIII.

AN ACT *for declaring the Law as to the Day on which it is requisite to present for Payment to the Acceptors or Acceptor supra Protest for Honour, or to the Referees or Referee in case of Need, Bills of Exchange which had been dishonoured.* [13*th August*, 1836.]

Whereas bills of exchange are occasionally accepted supra protest for honour, or have a reference thereon in case of need: and whereas doubts have arisen when bills have been protested for want of payment as to the day on which it is requisite that they should be presented for payment to the acceptors or acceptor for honour, or to the referees or referee, and it is expedient that such doubts should be removed: be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall not be necessary to present such bills of exchange to such acceptors or acceptor for honour, or to such referees or referee, until the day following the day on which such bills of exchange shall become due; and that if the place of address on such bill of exchange of such acceptors or acceptor for honour, or of such referees or referee, shall be in any city, town, or place, other than in the city, town, or place where such bill shall be therein made payable, then it shall not be necessary to forward such bill of exchange for presentment for payment to such acceptors or acceptor for honour, or referees or referee, until the day following the day on which such bill of exchange shall become due.

Bills of exchange need not be presented to acceptors for honour or referees till the day following the day on which they become due.

II. And be it further enacted and declared, that if the day following the day on which such bill of exchange shall become due shall happen to be a Sunday, Good Friday, or Christmas Day, or a day appointed by his Majesty's proclamation for solemn fast or of thanksgiving, then it shall not be necessary that such bill of exchange shall be presented for payment, or be forwarded for such presentment for payment, to such acceptors or acceptor for honour, or referees or referee, until the day following such Sunday, Good Friday, Christmas Day, or solemn fast or day of thanksgiving.

If the following day be a Sunday, &c. then on the day following such Sunday, &c.

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6 & 7 GULIELMI IV. Cap. LX.

AN ACT *to amend the Laws relating to the Customs.*

[13*th August*, 1836.]

IV. And whereas by the said last-mentioned Act (1) all spirits, not being perfumed or medicinal spirits, or rum of and from the British possessions, are required to be imported into the United Kingdom in casks containing not less than forty gallons, and tobacco and snuff in certain cases are also required to be imported in hogsheads, casks, chests, or cases, each of which shall contain of net tobacco or snuff four hundred and fifty pounds weight: be it enacted, that the said restrictions shall not extend to any such spirits in casks of not less

Spirits may be imported in casks of twenty gallons, and tobacco or snuff in hogsheads, &c. containing 300lbs.

than twenty gallons, nor to any such tobacco or snuff in hogsheads, casks, chests, or cases, each of which shall contain of net tobacco or snuff three hundred pounds weight.

(1) [3 & 4 Wm. 4, cap. 52.]

Goods may be exported in vessels of 60 tons.
5 & 6 W. 4, c. 56.

V. And whereas the importation and exportation of certain goods into and from the United Kingdom and other dominions of his Majesty by the laws now in force, is restricted to vessels of seventy tons burthen or upwards: and whereas by an Act passed in the fifth and sixth years of the reign of his present Majesty, intituled, " An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom," vessels are required to be admeasured according to the rules set forth in that Act, and in consequence thereof it has become expedient to reduce the tonnage to which such importations and exportations are restricted; be it therefore enacted, that it shall be lawful to import or export from the United Kingdom, and other dominions of his Majesty, any such goods in vessels of sixty tons burthen and upwards, provided such vessels have been admeasured according to the rules prescribed by the last-mentioned Act.

A subsequent section of this Act contains a table of new duties; but all variations thereby made with respect to articles contained in so much of the table appended to 3 & 4 Wm. 4, cap. 56, as is printed in this collection, have been noticed in a note upon that table.

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7 GULIELMI IV. and 1 VICTORIÆ. Cap. XXVII.

An Act *for granting to her Majesty, until the Fifth Day of July, one thousand eight hundred and thirty-eight, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year one thousand eight hundred and thirty-seven.* [*3d July,* 1837.]

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, have freely and voluntarily resolved to give and grant unto your Majesty the duties herein-after mentioned; and therefore do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the duties imposed on sugar and molasses by an Act passed in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled, " An Act for granting to his Majesty till the Fifth Day of July one thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year one thousand eight hundred and thirty-six," shall be further continued until the fifth day of July, one thousand eight hundred and thirty-eight.

Duties imposed by 6 & 7 W. 4, c. 26, continued till 5th July, 1838.

II. And be it enacted, that the duties hereby continued shall be collected, paid, and accounted for in such and the like manner as if the said duties had been continued to the fifth day of July, one thousand eight hundred and thirty-eight, by the said recited Act. (1)

Duties to be collected in like manner as if continued by recited Act.

(1) [Continued by 1 & 2 Vic. cap. 33, to 5th July, 1839; by 2 & 3 Vic. cap. 21, to 5th July, 1840; and by 3 & 4 Vic. cap. 23, to 5th July, 1841.]

III. Provided always, and be it enacted, that if at any time satisfactory proof shall have been laid before her Majesty in Council that the importation of foreign sugar into any British possession within the limits of the East-India Company's Charter is prohibited, it shall be lawful for her Majesty, by and with the advice of her Privy Council, or by her Majesty's Order in Council to be published from time to time in the *London Gazette*, to allow the importation of sugar the growth of any such British possession at the lower rate of duty in the said Act specified, in like manner and under the same restrictions and conditions as sugar the growth of the presidency of Fort William in Bengal may be imported subject to a lower rate of duty under the provisions of the said recited Act. (1)

Her Majesty may allow the importation of sugar the growth of certain British possessions.

(1) [Extended to Sugar the produce of territories subject to the presidency of Fort St. George. See note (2) on sec. 1 of 6 & 7 Wm. 4, cap. 26.]

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7 GULIELMI IV. & 1 VICTORIÆ. Cap. XXXVI.

An Act *for consolidating the Laws relative to Offences against the Post-Office of the United Kingdom, and for regulating the Judicial Administration of the Post-Office Laws, and for explaining certain Terms and Expressions employed in those Laws.* [12*th July*, 1837.]

IV. And for preventing the abuse of any privilege by the Post-office Acts conferred of sending letters or papers free of postage, or at a reduced rate of postage, whereby the Post-office revenue may be defrauded, be it enacted, that every person who shall send or cause to be sent a banker's parcel, wherein or upon the cover whereof there shall be a writing or communication, or any thing other than negotiable notes, contrary to the Post-office laws or the regulations of the Postmaster-general, shall forfeit two hundred pounds; and every franking officer or other person authorized by virtue of their office to frank official letters, who shall unlawfully superscribe a letter, as belonging to his office or department which does not concern the business thereof, shall for the first offence forfeit one hundred pounds, and for the second offence shall forfeit the like sum and be dismissed from his office; and every person having the command of a ship or vessel, or regiment, or corps, or detachment, who is authorized to write his name and the name of the ship or of the vessel, or of the regiment, or corps, or detachment, commanded by him, upon a single letter from a seaman or soldier privileged to send his letter at a reduced rate of postage, who shall wilfully write his name upon a letter

Penalties for abusing the franking privilege.

that is not from and on the private concerns only of such seaman or soldier so privileged, shall for every such offence forfeit five pounds; and every person not having at the time the command of the ship or vessel, or regiment, or corps, or detachment to which a seaman or soldier so privileged belongs, who shall write his name upon a letter in order that the same may be sent at a lower rate of postage than by law established, shall for every such offence forfeit five pounds; and every person who shall procure a seaman or soldier to obtain the signature of his commanding officer to a letter to be sent by the post which shall not be on the private concerns of such seaman or soldier, and every such seaman or soldier who shall obtain the signature of his commanding officer upon a letter which shall not be from such seaman or soldier, and upon his own private concerns only, in order to avoid the payment of the rates of postage by law established, shall for every such offence forfeit five pounds: and every person who shall wilfully address a letter to such seaman or soldier having the privilege of receiving his letters at a reduced rate, which shall be intended for another person, or which shall be concerning the affairs of another person, with intent to evade the payment of the rate of postage by law established, shall for every such offence forfeit five pounds; and every person who shall, with intent to evade any duty of postage, falsely superscribe a letter as being the owner, or the charterer, or the consignee of a vessel conveying the same, or as the owner, or the shipper, or the consignee of goods shipped in such vessel, shall for every such offence forfeit ten pounds.

Penalty for falsely superscribing the letter of an owner of a vessel, &c.

Penalties on masters of ships not taking letter bags.

VI. And for compelling the observance of the provisions of the Post-office laws, relating to the conveyance of ship letters, be it enacted, that every master of a vessel outward bound to Ceylon, the Mauritius, the East-Indies, or the Cape of Good Hope, who shall refuse to take a post letter bag delivered or tendered to him by an officer of the Post-office for conveyance, shall forfeit two hundred pounds; and every master of a vessel who shall open a sealed letter bag with which he shall be intrusted for conveyance, shall forfeit two hundred pounds; and every master of a vessel who shall take out of a letter bag with which he shall have been intrusted for conveyance a letter or any other thing, shall forfeit two hundred pounds; and every master of a vessel who shall not duly deliver a letter bag with the contents at the Post-office on his arrival in port, without wilful or unavoidable delay after his arrival, shall forfeit two hundred pounds; and every person to whom letters may have been intrusted by the master of a vessel to bring on shore who shall break the seal, or in any manner wilfully open the same, shall forfeit twenty pounds; and every master of a vessel who shall refuse or wilfully neglect to make the declaration of having delivered his ship's letters to the Post-office, as required by an Act of the present session, intituled, "An Act for the Regulation of the Duties of Postage," shall forfeit fifty pounds; and every collector, controller, or officer of the Customs who by the said Act is required to prohibit any vessel reporting until the requisites of such Act shall have been complied with, who shall permit such vessel to report before the requisites of such Act shall have been complied with, shall forfeit fifty pounds; and every master of a vessel (not having been able to send his letters ashore previous to his arrival at the port where the vessel is to report) who shall break bulk or make entry before all letters on board shall be sent to the Post-office, shall forfeit twenty pounds; and every master of a vessel, or any other person on board any ship liable to the performance of quarantine, who shall neglect or refuse to deliver to the person or persons appointed to superintend the quarantine all letters in his possession, shall forfeit twenty pounds.

The only remaining section to which it is necessary to advert is the 47th, which relates to the interpretation of the Post-office laws. As

it is very long, and much of it inapplicable to the object of this work, it will be sufficient to state the substance of those parts requiring notice. It declares that the term "Colonial letter" shall mean a letter transmitted between any of her Majesty's Colonies and the United Kingdom; that the term "Colonial newspapers" shall mean newspapers printed and published in any of her Majesty's dominions out of the United Kingdom; that the term "East-Indies" shall mean every port and place within the territorial acquisitions now vested in the East-India Company, in trust for her Majesty, and every other port or place within the limits of the Charter of the said Company, China excepted, and also including the Cape of Good Hope; that the term "her Majesty's Colonies" shall include every port and place within the territorial acquisitions now vested in the East-India Company, in trust for her Majesty, as well as her Majesty's other colonies and possessions beyond sea; that the term "ships" shall include vessels other than packet-boats; that the term "sea postage" shall mean the duty chargeable for the conveyance of letters by sea by vessels not packet-boats, and the term "ship letter" a letter transmitted inward or outward by any such vessel; and that the term "vessel" shall include every ship or other vessel not a Post-office packet.

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7 GULIELMI IV. & 1 VICTORIÆ. Cap. XLVII.

An Act *to repeal the Prohibition of the Payment of the Salaries and Allowances of the East-India Company's Officers during their Absence from their respective Stations in India.* [12*th July*, 1837.]

Whereas under and by virtue of an Act passed in the thirty-third year of the reign of his Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provisions for the good Order and Government of the Towns of Calcutta, Madras, and Bombay," and of another Act passed in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian

33 G. 3, c. 52.

3 & 4 W. 4, c. 85.

Territories, till the Thirtieth Day of April, one thousand eight hundred and fifty-four," it is enacted, that "if any Governor or other officer whatever in the service of the said Company shall leave the presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, and in the event of his not returning, or of his coming to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving the said territories or the presidency to which he may have belonged:" and whereas it is further provided in the said last-mentioned Act, that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the representative of their officers or servants, who, having left their stations intending to return thereto, shall die during their absence, and it is expedient that such provision of the law should be altered in manner herein-after mentioned: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that so much and such part or parts of the said two Acts passed respectively in the thirty-third year of the reign of his Majesty King George the Third, and in the third and fourth years of the reign of his said late Majesty King William the Fourth, and of any other Act or provision of the law, as enacts that if any governor or other officer whatever in the service of the said Company shall leave the presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, shall not extend to the case of any officer or servant of the Company under the rank of governor or member of Council who shall quit the presidency to which he shall belong in consequence of sickness, under such rules as may from time to time be established by the Governor-general in India in Council, or by the Governor in Council of such presidency, as the case may be, and who shall proceed to any place within the limits of the East-India Company's Charter, or to the Cape of Good Hope, or to the Mauritius, or to the Island of St. Helena, nor to the case of any officer or servant of the said Company, under such rank as aforesaid, who, with the permission of the Government of the presidency to which he shall belong, shall quit such presidency in order to proceed to another presidency for the purpose of embarking thence for Europe, until the departure of such officer or servant from such last-mentioned presidency with a view to return to Europe, so as that the port of such departure for Europe shall not be more distant from the place which he shall have quitted in his own presidency than any other port of embarkation within such presidency.

So much of the provisions of the recited Acts as prohibits the payment of salaries to officers in the service of the East-India Company during their absence shall not extend to cases of sickness;

nor to cases of officers quitting one presidency for another, in order to embark for Europe.

No rule valid till approved by Court of Directors, subject to the control of Commissioners for the Affairs of India.

II. Provided always, and be it enacted, that no such rule so to be established as aforesaid shall have any force or validity until the same shall have been approved by the Court of Directors of the said Company, subject to the control of the Commissioners for the Affairs of India, in like manner as is provided by the said Act of the third and fourth years of the reign of his late Majesty King William the Fourth.

Power for the Court of Directors, subject to aforesaid control, to direct the refunding of any part of the allowance paid under any of said rules.

III. And be it further enacted, that it shall be lawful for the said Court of Directors, subject to such control as aforesaid, to direct the refunding, by any officer or servant of the said Company, or by the representatives of any such officer or servant, of the whole or any part of the salary or allowance which he or they may have received under or by virtue of any such rule so to be established as aforesaid, if it shall appear to the said Court, subject to such control as aforesaid, that the permission to such officer or servant to quit the presidency to which he shall belong hath been improperly granted or obtained; and such sum as the said

Court, subject to such control as aforesaid, shall direct such officer or servant, or the representatives of such officer or servant, to refund, shall be a debt to the said Company, and shall be recoverable by them in any Court in like manner as any debt may now or hereafter shall be recovered by them.

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7 GULIELMI IV. & 1 VICTORIÆ. Cap. LXX.

An Act *to authorize the Commissioners for the Affairs of India and the Court of Directors of the East-India Company to suspend the subsisting Enactments concerning the Fourfold system of Nomination of Candidates for the East-India Company's College at Haileybury, and for providing during such suspension for the Examination of Candidates for the said College.* [15*th July*, 1837.]

Whereas in an Act passed in the third and fourth years of the reign of his present Majesty, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories, till the Thirtieth day of April one thousand eight hundred and fifty-four, are contained several enactments respecting the admission of students into the College of the said Company at Haileybury, upon a principle then intended to be brought into practice of there being four candidates and no more than one student admitted into the said College for every expected vacancy in the civil establishment of India, according to a yearly prospective estimate by the said Act provided for: and whereas it is expedient to provide, in manner herein-after mentioned, for the suspension of the same enactments: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that the Board of Commissioners for the Affairs of India and the Court of Directors of the East-India Company shall, from the passing of this Act, have and be invested jointly with full power from time to time to suspend and to revive the operation of the said enactments for and during such period or successive periods of time as the said Board of Commissioners and Court of Directors may in their discretion think desirable.

3 & 4 W. 4, c. 85

The India Board and Court of Directors may suspend the operation of enactments respecting admission of students;

II. And whereas in case of any suspension of the operation of the said enactments it will be expedient to establish some system of examination of candidates for admission to the said College at Haileybury; be it therefore further enacted, that in case the said Board of Commissioners and Court of Directors shall at any time or times hereafter suspend the operation of the said enactments, it shall be lawful for the said Board of Commissioners and they are hereby required to appoint, during the pleasure of the said Board, any competent person or persons to be an examiner or examiners of all candidates for admission to the said College at Haileybury, and to make, and afterwards alter, vary, or repeal, and again make, any regulations or provisions concerning such examinations, but so that during any suspension of the said enactments there shall be and continue in operation some system of examination according to the intent of this enactment. (1)

and in such case the Board to appoint examiners.

(1) [The 1 & 2 Vic. cap. 22 (which follows), empowers the Board of

Commissioners for the Affairs of India to make rules for the government of the College, whether the fourfold system of nomination be suspended or not.]

Court of Directors to pay expenses of system of examination.

III. And be it further enacted, that it shall be lawful for the Court of Directors of the said East-India Company and they are hereby required to pay the expenses of any system of examination to be at any time established by virtue of this Act, provided such expenses do not exceed in any one year the sum of five hundred pounds.

Part of 33 G. 3. c. 52, repealed.

IV. And be it further enacted, that so much of an Act passed in the thirty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing certain Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Governments of the Towns of Calcutta, Madras, and Bombay," as enacts that no person shall be appointed or sent out to India as a writer after he has attained the age of twenty-two years, shall be and the same is hereby repealed.

Limiting the ages of students and writers.

V. Provided always, and it is hereby further enacted, that it shall not be lawful for any person to be admitted to the said College as a student whose age shall exceed twenty-one years, nor for any person to be appointed or sent out to India as a writer in the said Company's service whose age shall exceed twenty-three years.

All persons appointed or sent out as writers since 10th April, 1834, and previously to 10th April, 1839, to be deemed duly appointed.

VI. And be it further declared and enacted, that all persons who since the tenth day of April, one thousand eight hundred and thirty-four, have been appointed or sent out to India as writers in the said Company's service, after receiving a certificate of their due qualification under the hand of the principal of the said College, and all persons who previously to the tenth day of April, one thousand eight hundred and thirty-nine, shall be appointed or sent out to India as writers in the said Company's service, after receiving such certificate of their due qualification, shall be deemed to have been and to be duly appointed as writers, notwithstanding such persons may not have resided for four terms at the said College.

Rules made in pursuance of this Act to be laid before Parliament.

VII. And be it further enacted, that any rules made for the admission of students into the East-India College at Haileybury by the Commissioners for the Affairs of India, in pursuance of the provisions of this Act, shall be laid before both Houses of Parliament within fourteen days after the commencement of the session of Parliament then next ensuing.

1 & 2 VICTORIÆ. Cap. XXII.

An Act *to enable the Commissioners for the Affairs of India to make Rules and Regulations for Haileybury College.* [9*th May*, 1838.]

Whereas in an Act passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the Government of his Majesty's Indian Territories, till the Thirtieth day of April, one thousand eight hundred and fifty-four," are contained several enactments respecting the admission of students into the College of the said Company at Haileybury, upon a principle then intended to be brought into practice, of there being four candidates and no more than one student admitted into the said College for every expected vacancy in the civil establishment of India, according to a yearly prospective estimate by the said Act provided for; and by such enactments it was provided, amongst other things, that it should be lawful for the said Commissioners to form such rules, regulations, and provisions for the good government of the said College as in their judgment should appear best adapted to secure fit candidates for admission into the same, and for the examination and qualifications of such candidate, and of the students of the said College, after they should have completed their residence there, and for the appointment and remuneration of proper examiners: and such rules, regulations, and provisions were to be submitted to her Majesty in Council, for her revision and approbation; and whereas by virtue of an Act passed in the last session of Parliament, intituled, "An Act to authorize the Commissioners for the Affairs of India and the Court of Directors of the East-India Company to suspend the subsisting Enactments concerning the fourfold system of nomination of Candidates for the East-India Company's College at Haileybury, and for providing during such suspension for the examination of Candidates for the said College," the said Commissioners and Court of Directors have suspended the said enactments: and whereas, notwithstanding such suspension, or any future suspension of the said enactments, it is expedient that the said Commissioners should have power to frame rules for the government of the said College, as herein-after mentioned; be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the Board of Commissioners for the Affairs of India, from time to time, whether the said enactments shall or shall not be suspended, to frame and make such rules, regulations, and provisions for the good government of the said College as in their judgment shall appear best adapted to secure the appropriate education of young men intended for the civil service of the East-India Company in India, and from time to time, by any new or other rules, regulations, or provisions, to revoke or alter the same, as to such Commissioners may seem fit: provided always, that no rules, regulations, or provisions to be framed or made under the authority of this Act shall have any force or effect until the same have been submitted to her Majesty, and until her Majesty's approbation thereof shall have been signified by an order of her Majesty in Council: provided also, that notice of all such rules, regulations, and provisions shall be given by the said Commissioners to the Court of Directors of the East-India Company twenty-one days at least previously to the same being submitted to her Majesty for approbation as aforesaid.

4 W. 4, c. 85.

7 W. 4, & 1 Vic. c. 70.

Commissioners for the Affairs of India to make rules for the government of Haileybury College.

II. And be it enacted, that it shall be lawful for the Court of Directors of the East-India Company to nominate, appoint, and send to any of the presidencies for the time being in the

East-India Company may appoint and send to India as writer any

student who has conformed to the rules of the College. East-Indies any person in the capacity of a writer who shall have been duly entered at such College, and have resided there the number of terms which shall be prescribed by any such rules and regulations as aforesaid, and who shall produce to the said Court of Directors a certificate under the hand of the principal of the said College testifying that he has duly conformed to the rules and regulations of the said College.

Act may be amended this session. III. And be it enacted, that this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

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1 & 2 VICTORIÆ. Cap. XXXIII.

An Act *for granting to her Majesty, until the Fifth day of July, one thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the service of the Year one thousand eight hundred and thirty-eight.* [*4th July*, 1838.]

The 1st and 2d sections of this Act provide for the continuance and collection of the duties imposed by 6 & 7 Wm. 4, cap. 26, until the date specified in the title. They were further continued by 2 & 3 Vic. cap. 21, to 5th July, 1840, and by 3 & 4 Vic. cap. 23, to 5th July, 1841.

The 3d section relates to bounties on refined sugar ; the 4th contains a re-enactment of the provision of the 7th Wm. 4 & 1st Victoria, cap. 27, for the admission of sugar from any British possessions in the East-Indies, at the lower rate of duty, after the production of proof satisfactory to her Majesty in Council, that the importation of sugar into such possessions is prohibited, under which provision the sugar of the territories subject to the presidency of Fort Saint George is now admissible at that rate. See note (2) on section 1, of 6 & 7 Wm. 4, cap. 26.

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1 & 2 VICTORIÆ. Cap. LXXIII.

An Act *to continue for three years and from thence to the end of the then next Session of Parliament, two Acts relating to the care and treatment of Insane Persons in England.* [*10th August*, 1838.]

This Act continues till the period named, the 2 & 3 Wm. 4, cap. 107, which see.

1 & 2 VICTORIÆ. Cap. LXXVII.

An Act *for permitting Affirmation to be made instead of an Oath in certain cases.* [10*th August*, 1838.]

Whereas by an Act passed in the reign of King William the Third, intituled, "An Act that the Solemnization, Affirmation, and Declaration of the People called Quakers shall be received instead of an Oath in the usual form," reciting that divers Dissenters, commonly called Quakers, refusing to take an oath in Courts of justice and other places, are frequently imprisoned and their estates sequestered by process of contempt issuing out of such Courts, to the ruin of themselves and families, it is enacted that every Quaker on every occasion (except on criminal trials) where an oath is by law required, shall be permitted to make solemn affirmation and declaration in lieu thereof: and whereas the same privilege has by subsequent Acts of Parliament been extended in all cases to the persons called Quakers and Moravians: and whereas it is expedient and fitting that the aforesaid privilege should be extended to such persons as have been Quakers and Moravians, but have ceased to belong to either of such religious denominations of Christians, still continuing nevertheless to entertain conscientious objections to the taking of an oath: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for any person who shall have been a Quaker or a Moravian to make solemn affirmation and declaration in lieu of taking an oath, as fully as it would be lawful for any such person to do if he still remained a member of either of such religious denominations of Christians, which said affirmation or declaration shall be of the same force and effect as if he or she had taken an oath in the usual form; and if any such person making such solemn affirmation or declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any matter or thing which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful and corrupt perjury are or shall be subject: provided always, that every such affirmation or declaration shall be in the words following; that is to say,

7 & 8 W. 3, c. 34.

Certain persons may make affirmation in lieu of oath;

if convicted of having falsely affirmed, to be punished as if guilty of perjury.

"I, *A. B.*, having been one of the people called Quakers, [*or* one of the persuasion of "the people called Quakers, *or* of the United Brethren called Moravians, *as the case* "*may be*,] and entertaining conscientious objections to the taking of an oath, do solemnly, "sincerely, and truly declare and affirm."

Form of declaration.

The 7 & 8 Wm. 3, cap. 34 (recited in this Act), allowed the solemn affirmation of a Quaker to be received on all occasions except on criminal trials.

By various enactments in this collection it is prescribed that the solemn affirmation of a Quaker is to be taken in the cases referred to in place of the oath required from others. The 3 & 4 Wm. 4, cap. 49, allowed of the substitution of the solemn affirmation or declaration of a Quaker in all cases where an oath might be required,

either by common law or Act of Parliament. The same privilege, and to the like extent, was by that Act afforded to Moravians, and by 3 & 4 Wm. 4, cap. 82, to the people called Separatists.

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1 & 2 VICTORIÆ. Cap. CVI.

An Act *to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy.* [14*th August*, 1838.]

Certain persons exempt from penalties for non-residence.

XXXVII. And be it enacted, that no spiritual person, being Head Ruler of any College or Hall within either of the Universities of Oxford or Cambridge, or being Warden of the University of Durham, or being Head Master of Eton, Winchester, or Westminster School, or Principal or any Professor of the East-India College, having been appointed such Principal or Professor before the time of the passing of this Act, and not having respectively more than one benefice with cure of souls, shall be liable to any of the penalties or forfeitures in this Act contained for or on account of non-residence on any benefice.

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1 & 2 VICTORIÆ. Cap. CX.

An Act *for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Laws for the Relief of Insolvent Debtors in England.* [16*th August*, 1838.]

Stock and shares in public funds and public companies belonging to the debtor, and standing in his own name, to be charged by order of a judge.

XIV. And be it enacted, that if any person against whom any judgment shall have been entered up in any of her Majesty's Superior Courts at Westminster shall have any government stock, funds, or annuities, or any stock or shares of or in any public Company in England (whether incorporated or not), standing in his name in his own right, or in the name of any person in trust for him, it shall be lawful for a judge of one of the Superior Courts, on the application of any judgment creditor, to order that such stock, funds, annuities, or shares, or such of them or such part thereof respectively as he shall think fit, shall stand charged with the payment of the amount for which judgment shall have been so recovered, and interest thereon, and such order shall entitle the judgment creditor to all such remedies as he would have been entitled to if such charge had been made in his favour by the judgment debtor; provided that no proceedings shall be taken to have the benefit of such charge until after the expiration of six calendar months from the date of such order.

Order of judge to be made in the first instance *ex parte*, and on

XV. And in order to prevent any person against whom judgment shall have been obtained from transferring, receiving, or disposing of any stock, funds, annuities, or shares hereby

authorized to be charged for the benefit of the judgment creditor under an order of a judge, be it further enacted, that every order of a judge charging any government stock, funds, or annuities, or any stock or shares in any public company, under this Act, shall be made in the first instance *ex parte*, and without any notice to the judgment debtor, and shall be an order to show cause only; and such order, if any government stock, funds, or annuities standing in the name of the judgment debtor in his own right, or in the name of any person in trust for him, is to be affected by such order, shall restrain the Governor and Company of the Bank of England from permitting a transfer of such stock in the meantime and until such order shall be made absolute or discharged; and if any stock or shares of or in any public Company, standing in the name of the judgment debtor in his own right, or in the name of any person in trust for him, is or are to be affected by any such order, shall in like manner restrain such public Company from permitting a transfer thereof; and that if, after notice of such order to the person or persons to be restrained thereby, or in case of corporations to any authorized agent of such corporation, and before the same order shall be discharged or made absolute, such corporation or person or persons shall permit any such transfer to be made, then and in such case the corporation or person or persons so permitting such transfer shall be liable to the judgment creditor for the value or amount of the property so charged and so transferred, or such part thereof as may be sufficient to satisfy his judgment; and that no disposition of the judgment debtor in the meantime shall be valid or effectual as against the judgment creditor; and further, that, unless the judgment debtor shall, within a time to be mentioned in such order, show to a judge of one of the said Superior Courts sufficient cause to the contrary, the said order shall, after proof of notice thereof to the judgment debtor, his attorney or agent, be made absolute: provided that any such judge shall, upon the application of the judgment debtor, or any person interested, have full power to discharge or vary such order, and to award such costs upon such application as he may think fit.

notice to the Bank or Company to operate as a *distringas*.

In reference to the above two Sections, see 3 & 4 Vic. cap. 82.

XXIII. And whereas it is expedient to continue, for the purposes herein-after mentioned, the laws now in force for the relief of Insolvent Debtors in England, and to make further provision for the relief of Insolvent Debtors; be it therefore further enacted, that from and after the passing of this Act the powers vested in the Court now established for the relief of Insolvent Debtors in England shall be and the same are hereby continued and vested in the Court to be continued by virtue of this Act, as herein-after provided, in so far as the same relate to or may be exercised in the matters of the petitions of any persons who, before the time appointed for the commencement of this Act, shall have petitioned the said Court now established for relief, under the provisions of any Act or Acts for the relief of Insolvent Debtors in England, or of any persons who have obtained their discharge by virtue of any Act for the relief of Insolvent Debtors in England; and that all things shall and may be done by all persons relating to the matters of all such petitions which such persons might have done if the laws now in force with respect to Insolvent Debtors in England had been continued by this Act.

Powers now vested in the Court for Relief of Insolvent Debtors continued for the purposes herein mentioned.

The above section continues in certain cases the operation of the former laws for the relief of insolvent debtors. Those which follow apply to cases of insolvency under this Act.

LIV. And be it enacted, that if any such prisoner shall at the time of filing such petition as aforesaid, whether such petition shall have been preferred by himself or by any such

Where the prisoner is beneficially entitled to stock, the Court may order a transfer.

creditor as aforesaid, or at any time before such prisoner shall become entitled to his final discharge according to this Act, have any Government stocks, funds, or annuities, or any of the stock of any public Company, either in England, Scotland, or Ireland, standing in his own name in his own right, it shall be lawful for the said Court for the Relief of Insolvent Debtors, whenever it shall deem fit so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name of such assignee or assignees as aforesaid; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things done or permitted pursuant to such order.

Assignees' power not to extend to the pay or pension of naval, military, or civil officers.

LVI. And be it enacted, that nothing in this Act contained shall extend to entitle the assignee or assignees of the estate and effects of any such prisoner, being or having been an officer of the army or navy, or an officer or clerk, or otherwise employed or engaged in the service of her Majesty, in the Customs or Excise, or any civil office, or other department whatsoever, or being or having been in the naval or military service of the East-India Company, or an officer or clerk or otherwise employed or engaged in the service of the Court of Directors of the said Company, or being otherwise in the enjoyment of any pension whatever under any department of her Majesty's Government or from the said Court of Directors, to the pay, half-pay, salary, emoluments, or pension of any such prisoner, for the purposes of this Act: provided always, that it shall be lawful for the said Court to order such portion of the pay, half-pay, salary, emoluments, or pension of any such prisoner, as on communication from the said Court to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the chief officer of the department to which such prisoner may belong or have belonged, or under which such pay, half-pay, salary, emoluments, or pension may be enjoyed by such prisoner, or the said Court of Directors, he or they may respectively, under his or their hands or under the hand of his or their chief secretary, or other chief officer for the time being, consent to in writing, to be paid to such assignee or assignees, in order that the same may be applied in payment of the debts of such prisoner; and such order and consent being lodged in the office of her Majesty's Paymaster-general, or of the Secretary of the said Court of Directors, or of any other officer or person appointed to pay, or paying, any such pay, half-pay, salary, emoluments, or pension, such portion of the said pay, half-pay, salary, emoluments, or pension as shall be specified in such order or consent shall be paid to the said assignee or assignees, until the said Court shall make order to the contrary.

Portion of pay or pension may be obtained on application.

Prisoners for debt, or their creditors, not to petition any Court, for certain purposes, under 32 G. 2. c. 28.

CXIX. And be it further enacted, that from and after the passing of this Act no prisoner for debt shall petition any Court for his or her discharge under the provisions of an Act passed in the thirty-second year of the reign of his late Majesty King George the Second, intituled, "An Act for the Relief of Debtors with respect to the Imprisonment of their Persons, and to oblige Debtors who shall continue in Execution in Prison beyond a certain Time, and for Sums not exceeding what are mentioned in the Act, to make Discovery of and deliver upon Oath their Estates for the Creditors' Benefit;" nor shall any creditor of any prisoner petition any Court for the exercise of the compulsory powers given against debtors under the provisions of the Act above-mentioned. (1)

(1) [See note on 39 & 40 Geo. 3, cap. 79, sec. 23.]

Commencement of Act.

CXXIII. And be it enacted, that this Act shall, as to all matters not otherwise provided for, commence and come into operation on the first day of October, one thousand eight hundred and thirty-eight.

1 & 2 VICTORIÆ. Cap. CXIII.

An Act *to amend the Laws relating to the Customs.*
[16*th August*, 1838.]

XI. And whereas by one other of the said Acts, intituled, "An Act for the registering of British Vessels," it is among other things enacted, that every person who shall apply for a certificate of registry for any ship or vessel shall be required to produce to the person authorized to grant such certificate a true and full account, under the hand of the builder of such ship or vessel, of the proper denomination of and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, together with the name of the first purchaser thereof: and whereas it frequently occurs that by reason of the death of such builder or some other unavoidable cause such certificate cannot be produced; be it therefore enacted, that in all such cases as aforesaid, on proof being made to the satisfaction of the Commissioners of her Majesty's Customs of all the particulars required as aforesaid, they are hereby authorized to dispense with the account required under the hand of the builder, and to allow the certificate of registry to be granted.

Commissioners of Customs may, in the absence of the builder's certificate of ships and vessels, receive proof of the particulars required in such certificate.

XII. And whereas it is expedient that true information should be had at every port in her Majesty's dominions whether all the vessels registered at such port are actually in existence and entitled to the privileges of British registered ships, or not; be it therefore enacted, that the person or persons registered as owner or owners of any British ship or vessel which shall have been lost, or taken by the enemy, or burnt, or broken up, or otherwise prevented from returning to the port to which such ship or vessel belongs, or which shall on any account have lost or forfeited the privileges of a British ship, shall immediately upon obtaining knowledge of any of the circumstances aforesaid give notice in writing of such circumstances to the collector or controller of the Customs at the port of registry of such ship or vessel.

Owners of British vessels to give notice to collectors of Customs at the port of registry of the loss, &c. of such vessels;

XIII. And be it enacted, that in all cases where any British registered ship or vessel shall have been absent from the port of registry for the space of three years, the person or persons registered as the owner or owners of such ship or vessel shall in like manner give notice in writing to the collector or controller of the Customs at such port, stating therein the cause of such absence, and that the said vessel has not forfeited her privileges as a British ship.

or if vessels absent from the port of registry for three years, to state cause.

XIV. And be it enacted, that every such owner or owners failing to give such notice in either of the cases aforesaid, or making any untrue statement in respect of any such ship or vessel, shall forfeit the sum of five pounds.

Failing to give such notices, &c. to forfeit £5.

XVIII. And be it enacted, that if any sugar or coffee the produce of any British possession within the limits of the East-India Company's Charter shall have been imported into the Cape of Good Hope from the place of its production, accompanied by such a certificate of origin as would be sufficient for its admission in the United Kingdom at the low rate of duty, and shall have been warehoused at the Cape of Good Hope, under the regulations there in force for the warehousing of goods, and shall have been exported from such warehouse, accompanied by a certificate from the proper officer of the Customs at the Cape of

East-India sugar warehoused at the Cape of Good Hope and imported from thence.

Good Hope, setting forth the particulars of the importation and of the warehousing and of the exportation of the same, and also setting forth the substance of the certificate of origin before-mentioned, and if on the arrival in the United Kingdom of the ship importing such sugar or coffee the master of such ship shall deliver to the collector or controller at the port of importation such certificate from the officer of the Customs at the Cape of Good Hope, and shall make a declaration before such collector or controller that such certificate was received by him at the Cape of Good Hope, and that the sugar or coffee so imported is the same as is mentioned therein, then such sugar or coffee shall be admitted at such port of importation in the United Kingdom at the same rate of duty as would be payable if the same had been imported direct from the place of its production.

Coffee, the produce of British possessions within the limits of the East-India Company's Charter, may be imported into the British possessions in the West-Indies, and into the Mauritius; certificate of origin of such coffee required.

XXIV. And be it enacted, that so much of the said Act for regulating the trade of the British possessions abroad as prohibits coffee the production of British possessions within the limits of the East-India Company's Charter from being imported into any of the British possessions in the West-Indies and into the Island of Mauritius shall be repealed: provided always, that no coffee shall be entered in any British possession in the West-Indies or in the Island of Mauritius as being the produce of any British possession within the limits of the East-India Company's Charter when imported from such possessions, unless the master of the ship importing the same shall have delivered to the collector or controller a certificate under the hand and seal of the proper officer at the place where such coffee was taken on board, testifying that a declaration in writing had been made and signed before him (the contents of which he had examined and believed to be true) by the shipper of such coffee that the same was really and *bonâ fide* the produce of some such British possession, nor unless such master shall make and subscribe a declaration before the collector or controller, that such certificate was received by him at the place where such coffee was taken on board, and that the coffee so imported is the same as is mentioned therein.

Goods the produce of certain countries may be imported, and admitted to entry in the United Kingdom.

XXX. And whereas by one other of the said first-mentioned Acts, intituled, "An Act for the encouragement of British Shipping and Navigation," it is enacted, that goods the produce of Asia, Africa, or America, shall not be imported from Europe for consumption in the United Kingdom, except in certain cases: and whereas by the said Act it is provided that goods the produce of Asia or Africa, which have been brought into places in Europe within the Straits of Gibraltar from or through places in Asia or Africa within those straits, and not by way of the Atlantic Ocean, may be imported from such ports in Europe in British ships: and whereas treaties beneficial to British shipping may be made with countries having ports within the Straits of Gibraltar if her Majesty were empowered to authorize the importation of such goods from such ports in the ships of such countries respectively; be it therefore enacted, that in case any treaty shall be made with any such country, stipulating that such productions of Asia or Africa shall be imported from the ports of such country in the ships of the same as well as in British ships, such goods so imported shall in virtue of such treaty be admitted to entry in the United Kingdom, to be used and consumed therein, any thing in the said Act of Navigation to the contrary notwithstanding.

Alterations in rate of duty made by this Act are referred to in the note at the end of 3 & 4 Wm. 4, cap. 59.

2 & 3 VICTORIÆ. Cap. XXI.

An Act *for granting to her Majesty, until the Fifth day of July, one thousand eight hundred and forty, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year one thousand eight hundred and thirty-nine.* [*4th July*, 1839.]

This Act continues the duties granted by 6 & 7 Wm. 4, cap. 26, until the date specified. By 3 & 4 Vic. cap. 23, they are again continued till 5th July, 1841. In both Acts the provision of 7 Wm. 4 & 1 Vic. cap. 27, sec. 3, and 1 & 2 Vic. cap. 33, sec. 4, for admitting at the lower rate of duty, under certain conditions, the sugar of other British possessions in India besides those admitted by 6 & 7 Wm. 4, cap. 26, is re-enacted. The sugar of the territories subject to the presidency of Fort Saint George is now admissible at that rate, as explained in note (2) on sec. 1 of 6 & 7 Wm. 4, cap. 26.

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2 & 3 VICTORIÆ. Cap. XXXIV.

An Act *to confirm certain Rules and Orders of the Supreme Courts of Judicature at Fort William and Madras; and to empower the same Courts, and the Supreme Court of Judicature of Bombay, to make Rules and Orders concerning Pleadings.* [*29th July*, 1839.]

Whereas the Supreme Court of Judicature at Fort William in Bengal, on the fifteenth day of June, one thousand eight hundred and thirty-seven, and the Supreme Court of Judicature at Madras, on the twenty-second day of February, one thousand eight hundred and thirty-seven, made and passed certain rules and orders whereby the modes of pleading in the same Courts respectively were in some respects altered; and doubts have arisen as to the powers of the same Courts to make such alterations without the authority of Parliament: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said rules and orders, so far as they altered the modes of pleading in the said Supreme Courts at Fort William and Madras respectively, shall be deemed and taken to all intents to have been lawfully made, and to have had and still to have the force of law.

The rules for altering the mode of pleading in the Supreme Courts at Fort William and Madras deemed to have been lawfully made.

II. And whereas it is expedient to provide for giving validity to any rules or orders which may be made by the Supreme Court of Judicature at Bombay for altering the modes of

Supreme Courts at Bombay, Fort William, and Madras may

pass rules for altering the modes of pleading.

pleading therein, and also to any other rules or orders which may hereafter be made by the said Supreme Courts of Fort William and Madras or either of them respecting the modes of pleading in the same Courts respectively; be it therefore enacted, that the said Supreme Court of Bombay shall and may, by any rules or orders to be from time to time passed by the said Court, make such alterations, and the said Supreme Courts of Fort William and Madras shall and may, by any other rules or orders to be from time to time passed by the said Courts respectively, make such further alterations in the mode of pleading in the said Courts respectively, or in the mode of entering and transcribing pleadings, judgments, and other proceedings in actions at law or suits in equity, or any civil or ecclesiastical causes, and such regulations as to the payment of costs, and otherwise for carrying into effect any such alterations, as to the said Courts respectively may seem expedient; and all such rules, orders, or regulations shall be submitted for confirmation or disallowance to the Governor-general of India in Council immediately upon the making of the same; and every such rule, order, or regulation shall to all intents and purposes have full effect after it shall have been confirmed by the said Governor-general of India in Council; but every such rule, order, and regulation, when so confirmed, shall be transmitted to her Majesty, her heirs or successors, in Council, and shall be subject at any time to be altered or rescinded by her said Majesty, her heirs or successors, in Council: provided always, that no rule or order to be made by virtue of this Act shall have the effect of depriving any person of the power of pleading the general issue and giving the special matter in evidence in any case wherein he is now or hereafter shall be entitled to do so by virtue of any Act of Parliament now or hereafter to be in force.

Such rules to be subject to confirmation by the Governor-general; and may be altered or rescinded by the Privy Council.

Act not to affect rights and powers of Supreme Courts.

III. And be it enacted, that nothing herein contained shall be construed to affect any rights, powers, or privileges now belonging to or inherent in the said Supreme Courts of Judicature respectively.

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2 & 3 VICTORIÆ. Cap. XXXVII.

An Act *to amend and extend until the First Day of January, one thousand eight hundred and forty-two, the Provisions of an Act of the First Year of her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury.* [*29th July*, 1839.]

7 W. 4 & 1 Vic. c. 80.

Whereas by an Act passed in the first year of the reign of her present Majesty, intituled, "An Act to exempt certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury," it was enacted, that bills of exchange, payable at or within twelve months, should not be liable, for a limited time, to the laws for the prevention of usury: and whereas the duration of the said Act was limited to the first day of January, one thousand eight hundred and forty; and it is expedient that the provisions of the said Act should be extended: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no bill of exchange or promissory note made payable at or within twelve months after the date thereof, or not having more than twelve months to run, nor any contract for the loan or forbearance of money, above the sum of ten pounds sterling, shall, by

Bills of exchange and contracts for loans or forbearance of money above £10 not to

reason of any interest taken thereon or secured thereby, or any agreement to pay or receive or allow interest in discounting, negotiating, or transferring any such bill of exchange or promissory note, be void, nor shall the liability of any party to any such bill of exchange or promissory note, nor the liability of any person borrowing any sum of money as aforesaid, be affected, by reason of any statute or law in force for the prevention of usury; nor shall any person or persons or body corporate drawing, accepting, endorsing, or signing any such bill or note, or lending, or advancing, or forbearing any money as aforesaid, or taking more than the present rate of legal interest, in Great Britain and Ireland respectively, for the loan or forbearance of money as aforesaid, be subject to any penalties under any statute or law relating to usury, or any other penalty or forfeiture; any thing in any law or statute relating to usury, or any other law whatsoever in force in any part of the United Kingdom, to the contrary notwithstanding: provided always, that nothing herein contained shall extend to the loan or forbearance of any money upon security of any lands, tenements, or hereditaments, or any estate or interest therein. be affected by usury laws.

II. Provided always, and be it enacted, that nothing in this Act contained shall be construed to enable any person or persons to claim, in any Court of law or equity, more than five per cent. interest on any account or on any contract or engagement, notwithstanding they may be relieved from the penalties against usury, unless it shall appear to the Court that any different rate of interest was agreed to between the parties. Five per cent. to be considered the legal rate of interest, except, &c.

IV. And be it enacted, that this Act shall continue in force until the first day of January, one thousand eight hundred and forty-two. (1) Continuance of Act.

(1) [Continued by 3 & 4 Vic. cap. 83, till the 1st January, 1843.]

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3 & 4 VICTORIÆ. Cap. VI.

An Act *for Punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.* [3d *April*, 1840.]

An Act under this title and having the same objects is passed annually. The period fixed for the commencement and expiration of the present Act in various parts of the world will be found in section 80, and as its operation in India does not commence until the 1st February, 1842, the Queen's Forces there will until that period be subject to the Acts passed in former sessions; the provisions of which, however, it is to be observed, correspond with those of the present Act. Another Act exists for the troops of the East-India Company, (3 & 4 Vic. cap. 37), but it has no operation within the United Kingdom.

Composition of general Courts-martial.

VI. And be it enacted, that a general Court-martial convened in any part of the Queen's dominions, (Bermuda, the Bahamas, Saint Helena, Africa, and the Australian colonies excepted), or in the settlements of the East-India Company, shall consist of not less than thirteen commissioned officers; if convened in Bermuda or the Bahamas, or out of the Queen's dominions, excepting Saint Helena, Africa, and the Australian colonies, shall consist of not less than seven, and in Saint Helena, Africa, and the Australian colonies, of not less than five commissioned officers; and no judgment of death shall pass without the concurrence of two-thirds at the least of the officers present; and the president shall in no case be the officer commanding-in-chief or governor of the garrison where the offender shall be tried, nor under the degree of a field officer, unless where a field officer cannot be had, nor in any case whatsoever under the degree of a captain.

Powers of general Courts-martial.

VII. And be it enacted, that a general Court-martial may sentence any soldier to imprisonment, with or without hard labour, in any public prison, or other place which the Court or the officer commanding the regiment or corps to which the offender belongs or is attached shall appoint, and may also direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding one month at a time or three months at different times, with intervals of not less than one month between such times in one year, or of such imprisonment with hard labour, or may sentence any soldier to corporal punishment, not extending to life or limb, for immorality, misbehaviour, and neglect of duty; and a general Court-martial may, in addition to any such punishment as aforesaid, sentence any offender to forfeiture of all advantage as to additional pay, and pension on discharge; and whensoever any general Court-martial by which any soldier shall have been tried and convicted of any offence punishable with death shall not think the offence deserving of capital punishment, such Court-martial may, instead of awarding a corporal punishment or imprisonment, adjudge the offender, according to the degree of the offence, to be transported as a felon for life or for a certain term of years, or may sentence him to general service as a soldier in any corps and in any country or place which her Majesty shall thereupon direct, or may, if such offender shall have enlisted for a limited term of years, sentence him to serve for life as a soldier in any corps which her Majesty shall please to direct, and the Court may, in addition to any other punishment, sentence such offender to forfeit all advantage as to increase of pay, or as to pension on dicharge, which might otherwise have accrued to such offender; provided that in all cases where a capital punishment shall have been awarded by a general Court-martial it shall be lawful for her Majesty, or, if in the East-Indies, for the officer commanding-in-chief the forces at the presidency to which the offender shall belong, instead of causing such sentence to be carried into execution, to order the offender to be transported as a felon, either for life or for a certain term of years, as shall seem meet to her Majesty, or, if in the East-Indies, to the officer commanding as aforesaid.

Mixture of officers upon Courts-martial.

XIII. And be it enacted, that in certain cases, where it may be necessary or expedient, officers of her Majesty's marine forces may sit upon Courts-martial in conjunction with officers of her Majesty's land forces, and such Courts-martial shall be regulated, to all intents and purposes, in like manner as if they were composed of officers of the land forces only, whether the commanding officer by whose order such Court-martial is assembled belongs to the land or to the marine forces; and officers of her Majesty's land forces and officers in the service of the East-India Company, when serving together, may be associated in Courts-martial, which shall, to all intents and purposes, be regulated in like

manner as if consisting wholly of officers of her Majesty's land forces, or wholly of officers in the service of the East-India Company; save and except that on the trial of any person in her Majesty's land forces, the provisions of this Act, and the oaths thereby prescribed, shall be applicable; and that on the trial of any person belonging to her Majesty's marine forces, the provisions of an Act passed in the present session of Parliament for the regulation of her Majesty's royal marine forces while on shore, and the oaths thereby prescribed, shall be applicable; and on the trial of any officer or soldier in the service of the East-India Company the provisions of an Act passed in the fourth year of the reign of his Majesty King George the Fourth, to amend the laws for punishing mutiny and desertion of officers and soldiers in the service of the East-India Company, and the oaths thereby prescribed, shall be applicable, notwithstanding any officer in the actual service of the said Company may have a commission from her Majesty or from his late Majesty King William the Fourth.

Proceedings of Courts-martial.

XV. And be it enacted, that in all trials by general Courts-martial to be held by virtue of this Act, the president and every member assisting at such trial, before any proceeding be had thereon, shall take the oath in the schedule to this Act annexed, before the judge advocate or his deputy, or person officiating as such, and on trials by other Courts-martial before the president of such Court, who are hereby respectively authorized to administer the same, and any sworn member shall administer the oath to the president, and as soon as the said oaths shall have been administered to the respective members, the president of the Court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, the oath in the schedule to this Act annexed; and no proceeding or trial shall be had upon any offence but between the hours of eight of the clock in the morning and four in the afternoon, except in cases which require an immediate example, and except in the East-Indies, where such proceedings or trial may be had between the hours of six in the morning and four in the afternoon: provided also, that all witnesses duly summoned by the judge advocate or the person officiating as such, or by the president of a district or garrison Court-martial, shall during their necessary attendance in such Courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the Court out of which the writ or process issued by which such witness was arrested, or if such Court be not sitting, then by any Judge of the Court of Queen's Bench in London or in Dublin, or the Court of Session in Scotland, or Courts of Law in the East or West-Indies or elsewhere, according as the case shall require, upon its being made to appear to such Court or judge, by any affidavit in a summary way, that such witness was arrested in going to or returning from or attending upon such Court-martial; and that all witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or, being sworn, shall refuse to give evidence or to answer all such questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in London or Dublin, or the Court of Session, or sheriff depute, or stewarts depute, or their respective substitutes, within their several shires and stewartries in Scotland, or Courts of Law in the East or West-Indies, or in any of her Majesty's colonies, garrisons, or dominions in Europe or elsewhere respectively, upon complaint made, in like manner as if such witness had neglected to attend in a trial in any proceeding in that Court.

Transportation from the colonies.

XIX. And be it enacted, that whenever any sentence of transportation heretofore or hereafter passed by any Court-martial holden in the East-Indies, or in any part of her Majesty's foreign dominions, is to be carried into execution for the term specified in such sentence or for any shorter term, or when sentence of death has been or shall as aforesaid be commuted

to transportation, the same shall be notified by the officer commanding-in-chief her Majesty's forces at the presidency or station, or in his absence by the adjutant-general for the time being, to some judge of one of the Supreme Courts of Judicature in the East-Indies, or chief-justice, or some other judge, as the case may be, in any part of her Majesty's foreign dominions, who shall make order for the transportation or intermediate custody of such offender, in like manner as for the transportation or intermediate custody of any other convict; and the necessary proceedings shall be taken, according to such order, for the transportation or intermediate custody of such offender; and all Acts in force in such place touching other offenders to be transported shall in all respects apply as well to the offender himself so to be transported as to all other persons whatsoever therein concerned.

Fraudulent confession of desertion.

XXIII. And be it enacted, that any person who shall voluntarily deliver himself up as a deserter from her Majesty's forces, or the embodied militia, or the forces of the East-India Company, or who, upon being apprehended for any offence, shall, in the presence of the justice, confess himself to be a deserter as aforesaid, shall be deemed to have been duly enlisted and to be a soldier, and shall be liable to serve in any of her Majesty's forces, as her Majesty shall think fit to appoint, whether such person shall have been ever actually enlisted as a soldier or not; and in case such person shall not be a deserter from the regiment stated in such confession, he shall be liable to be punished as a rogue and vagabond, or may be prosecuted and punished for obtaining money under false pretences; and the confession and receiving subsistence as a soldier by such person shall be evidence of the false pretence and of the obtaining money to the amount of the value of such subsistence, and the value of such subsistence so obtained may be charged in the indictment as so much money received by such person; and in case such person shall have been previously convicted of the like offence, or as a rogue and vagabond for making a fraudulent confession of desertion, such former conviction may be alleged in the indictment, and may be proved upon the trial of such person; and in such indictment for a second offence it shall be sufficient to state that the offender was at a certain time and place convicted of obtaining money under false pretences as a deserter, or as a rogue and vagabond for making a fraudulent confession of desertion, without otherwise describing the said offence; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the former offence, purporting to be signed by the clerk of the Court or other officer having the custody of the records of the Court where the offender was first convicted, or by the deputy of such clerk, or by the clerk of the convicting magistrates, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the same; and if the person so confessing himself to be a deserter shall be serving at the time in any of her Majesty's forces, he shall be deemed to be and shall be dealt with as a deserter.

Persons subject to this Act.

XXXII. And be it enacted, that all the provisions of this Act shall apply to all persons employed on the recruiting service receiving pay in respect of such service, and to the forces of the East-India Company while they shall be in any part of the United Kingdom, and until their arrival in the territories of the East-India Company (1), and to the officers and persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to master gunners and gunners, and conductors of stores, and to all officers and persons who are and shall be serving in the regiment of Royal Engineers and the corps of Royal Sappers and Miners, and in the corps of Royal Military Surveyors and Draftsmen, and to persons in the Ordnance and in the Commissariat Departments, who are or shall be serving with any

part of her Majesty's forces, at home or abroad, under the command of any officer having commission from her Majesty, or from his late Majesty King William the Fourth, and to all storekeepers and other civil officers who are or shall be employed by or act under the Ordnance at any of her Majesty's ordnance establishments at foreign stations: provided that nothing in this Act contained shall extend to affect any security which has been given by such storekeeper, barrack-master, or other officer, or their sureties, for the due performance of their respective offices, under the provisions of an Act passed in the fiftieth year of the reign of his Majesty King George the Third, to regulate the taking of securities in all offices, but that such bonds and other securities shall be and remain in full force and effect.

(1) [The 3 & 4 Vic. cap. 37, ("An Act to consolidate and amend the Laws for punishing Mutiny and Desertion in the Service of the East-India Company,") enacts (sec. 38) that all officers and soldiers enlisted or transferred to the service of the Company, and all officers and soldiers proceeding in charge of or doing duty with such enlisted or transferred officers or soldiers, shall, from and after their embarkation for the place to which they may be sent in the service of the Company, be during their passage subject to all the provisions and regulations of that Act (3 & 4 Vic. cap. 37).]

Enlisting and swearing of recruits.

XXXVI. And be it enacted, that every person who shall receive enlisting money from any person employed in the recruiting service, he being an officer, non-commissioned officer, or an attested soldier, shall be deemed to be enlisted as a soldier in her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billetted; and every person who shall enlist any recruit shall first ask the person offering to enlist whether he does or does not belong to the militia, and shall cause to be taken down, in writing, the name and place of abode of such recruit; and (if such recruit shall not reside in or in the vicinity of the town or place where he offered to enlist) the place also at which he shall declare that he intends to sleep, in order that within forty-eight but not sooner than twenty-four hours, any intervening Sunday not included, after his having received the enlisting money, notice of his having so enlisted be given to the recruit or left at his usual place of abode, or at the place where he stated that it was his intention to sleep; and when any person shall be enlisted as a soldier in her Majesty's land service he shall within four days, any intervening Sunday not included, but not sooner than twenty-four hours after such enlisting, appear, together with some person employed in the recruiting service of the party with which he shall have enlisted, before a justice, or, in Scotland, before any baillie of a royal burgh, residing within the vicinity of the place, and acting for the division or district where such recruit shall have been enlisted, and not being an officer in the army; and if such recruit shall declare his having voluntarily enlisted, the said justice shall put to him the several questions contained in the schedule to this Act annexed, and shall record, or cause to be recorded, in writing, his answers thereunto; and the said justice is hereby required forthwith to cause the answers so recorded in writing, and the first and second articles of the second section of the Articles of War against mutiny and desertion, to be read over in his own presence to such recruit, and to administer to such recruit the oath in the schedule to this Act annexed for limited or unlimited service, or for service in the forces of the East-India Company, as may be applicable to the case of the recruit, and no

other oaths, any thing in any Acts to the contrary notwithstanding; (1) and the said justice is hereby required to give, under his hand, the certificate in the schedule to this Act annexed; and if any such recruit so to be certified shall refuse to take the oath in the schedule to this Act annexed before the said justice, it shall be lawful for the officer or non-commissioned officer with whom he enlisted to detain and confine such person until he shall take the said oath of fidelity.

(1) [The 50 Geo. 3, cap. 87, prescribes other oaths, the administration of which is thus suspended during the continuance of this Act.]

Dissent and relief from enlistment.

XXXVII. And be it enacted, that any recruit appearing as aforesaid before such justice shall be at liberty to declare his dissent to such enlisting, and upon such declaration, and returning the enlisting money, and also paying the sum of twenty shillings for the charges expended upon him, together with the full amount of subsistence and beer money which shall have been paid to such recruit subsequent to the period of his having been enlisted, shall be forthwith discharged and set at liberty in the presence of such justice; but if such person shall refuse or neglect, within the space of twenty-four hours after so declaring his dissent, to return and pay such money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his assent thereto before the said justice: provided also, that it shall be lawful for any justice to discharge any person who shall have hastily enlisted, and who shall apply to him to declare his dissent within such four days as aforesaid, upon the payment of the sum of money required to be paid by any recruit declaring his dissent under this Act, notwithstanding no person belonging to the recruiting party shall be with the recruit, if it shall appear to such justice, upon proof to his satisfaction, that the recruiting party has left the place where such recruit was enlisted, or that the recruit could not procure any person belonging to such party to go with him before the justice; and the sum paid by such recruit upon his discharge shall be kept by the justice, and paid to any person belonging to the recruiting party entitled thereto demanding the same; provided that no recruit who has been actually, though erroneously, discharged by the justice before the expiration of twenty-four hours after the time of his enlistment shall be liable on that account to be proceeded against as having deserted from her Majesty's service; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof

Offences connected with enlistment.

XXXVIII. And be it enacted, that if any recruit shall receive the enlisting money from any person employed in the recruiting service (knowing it to be such), and shall abscond or refuse to go before such justice, or shall thereafter absent himself from the recruiting party or person with whom he enlisted, and shall not voluntarily return to go before some justice within such period of four days as aforesaid, such recruit shall be deemed to be enlisted and a soldier in her Majesty's service, as fully to all intents and purposes as if he had been duly attested, and may be apprehended and punished as a deserter, or for being absent without leave, under any Articles of War made for punishment of mutiny and desertion; and such recruit shall not be discharged by any justice of the peace after the expiration of such four days as aforesaid, unless it shall be proved to the satisfaction of such justice that the true name and residence of the recruit were disclosed and known to the recruiting party, and that no notice was given to the recruit, or left at his usual place of abode, of his having so enlisted; provided that in every case wherein any recruit shall have received enlisting money, and shall have absconded from the party, so that it shall not be possible immediately to apprehend and bring him before a justice, the officer or non-commissioned officer commanding the party shall

produce to the justice before whom the recruit ought regularly to have been brought for attestation a certificate of the name and place of residence of such recruit; and the justice to whom such certificate shall be produced shall, after satisfying himself that the recruit who had absconded cannot be found and apprehended, transmit a duplicate thereof to her Majesty's Secretary at War, in order that, in the event of such recruit being afterwards apprehended and reported as a deserter, the facts of his having received enlisting money, and having absconded after having been enlisted, may be ascertained, before he be finally adjudged to be a deserter; and any recruit who shall enlist into her Majesty's forces, and who shall be discovered to be incapable of active service by reason of any infirmity concealed or not declared by such recruit before the justice at the time of his attestation, may be transferred into any garrison or veteran or invalid battalion or company, or into her Majesty's marine forces, notwithstanding he shall have enlisted for any particular regiment, and shall be entitled to receive such proportion or residue of bounty only as her Majesty may allow in that behalf, instead of the bounty upon which such man shall have been enlisted, any thing in any Act or Acts, or any rules and regulations relating to soldiers, to the contrary notwithstanding; and it shall be lawful for any two justices before whom such recruit shall be brought, and who shall be proved upon oath, before them, to have concealed his having been a soldier and discharged, or to have concealed his having been discharged upon any prior enlistment, or to have wilfully concealed any such infirmity upon being attested, or to have designedly made any false representation as aforesaid, to adjudge such person to be a rogue and vagabond, and to sentence him to such punishment as by any law in force may be inflicted upon rogues and vagabonds and vagrants and incorrigible rogues; and any recruit who shall designedly make any false representation of any particular contained in the oaths and certificates in the schedule to this Act annexed, before the justice, at the time of his attestation, and shall obtain any enlisting money or bounty for entering into her Majesty's service or any other money, shall be deemed guilty of obtaining money under false pretences within the true intent and meaning, if in England, of an Act, intituled, "An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith;" and if in Ireland, of an Act passed in the ninth year of the reign of his Majesty King George the Fourth, intituled, "An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith;" and the production of such certificate, and proof of the handwriting of the justice giving such certificate, shall be sufficient evidence of such party having represented the several particulars contained in the oath sworn by him, and specified in the certificate of the justice at the time of his being attested; and that proof by the oath of one or more credible witnesses that the person so prosecuted hath voluntarily acknowledged that at the time of his enlistment he belonged to the militia, or to any regiment in her Majesty's service, or to her Majesty's ordnance, navy, or marines, shall be deemed and taken as evidence of the fact so by him acknowledged, without production of any roll or other document to prove the same; and such proof of such acknowledgment shall be certified to the Secretary at War by the justice before whom such proof shall have been given; and any man having been enrolled to serve in the militia at the time of offering to enlist who shall deny that he is a militia man then actually enrolled and engaged to serve, or shall deny to the justice before whom he shall be attested that he belongs to the militia, shall, on conviction thereof before any one justice in the United Kingdom, either upon oath of one witness or upon his own confession, or upon the production of the attestation, and the before-mentioned acknowledgment of such person certified by the Secretary at War or Deputy Secretary at War, be committed to the common gaol or house of correction, there to remain without bail or mainprize for and during any

7 & 8 G. 4, c. 29.

9 G. 4, c. 55.

time not exceeding six calendar months, over and above any penalty or punishment to which such person so offending may be otherwise liable, and shall from the day on which his engagement to serve in the militia shall end, and not sooner, belong as a soldier to the corps of her Majesty's regular forces, or of the East-India Company's forces, into which he shall have so enlisted; provided that every such person shall be liable to serve within the United Kingdom of Great Britain and Ireland, in any regiment, battalion, or corps of her Majesty's regular forces, or of the East-India Company's forces, in which he has so enlisted, during all the time the militia to which he shall belong shall remain disembodied, or shall not be called out for training or exercise, and shall during all such time be subject to all the provisions of this Act, and liable to be apprehended and dealt with and punished as a deserter from the corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such corps as aforesaid.

Penalty on officers offending against laws regarding enlistment.

XXXIX. And be it enacted, that every military officer who shall act contrary to the provisions of this Act in any respect regarding the enlisting and attesting of recruits of her Majesty's service, or for the service of the East-India Company, shall, upon proof thereof upon oath by two witnesses before a general Court-martial, be cashiered, and disabled to hold any civil or military office or employment in her Majesty's service.

Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.

XLII. And be it enacted, that any person duly bound as an apprentice, who shall enlist as a soldier in her Majesty's or the East-India Company's service, and shall state to the magistrate before whom he shall be carried and attested that he is not an apprentice, shall be deemed guilty of obtaining money under false pretences within the true intent and meaning of the before-recited Acts, and shall, after the expiration of his apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a soldier in any of her Majesty's regular forces, or in the forces of the East-India Company, according to the terms of the enlistment; and if on the expiration of his apprenticeship he shall not deliver himself up to some officer authorized to receive recruits, may be taken as a deserter from her Majesty's forces.

Claims of masters to apprentices.

XLIII. And be it enacted, that no master shall be entitled to claim an apprentice who shall enlist as a soldier in her Majesty's or the East-India Company's service, unless he shall, within one calendar month after such apprentice shall have left his service, go before some justice, and take the oath mentioned in the schedule of this Act annexed, and produce the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed; and unless such apprentice shall have been bound, if in England, for the full term of seven years, not having been above the age of fourteen when so bound, and, if in Ireland or in the British Isles, for the full term of five years at the least, not having been above the age of sixteen when so bound, and, if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland, prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship, and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been indorsed thereon by such justice a certificate or declaration signed by him, specifying the date when and the person by whom such contract or indenture shall have been so produced, which certificate or declaration such justice of the peace is hereby required to indorse and sign; and unless such apprentice shall, when claimed by such master, be under twenty-one years of age; provided that any master of an apprentice

indentured for the sea service shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice may have been bound for a less term than seven, five, or four years, as aforesaid; and any such master who shall give up the indentures of apprenticeship within one month after the enlisting of such apprentice, shall be entitled to receive to his own use so much of the bounty payable to such recruit, after deducting therefrom two guineas to provide him with necessaries, as shall have not been paid to such recruit before notice g ven of his being an apprentice.

Punishment of apprentices enlisting.

XLIV. And be it enacted, that no apprentice claimed by his master shall be taken from any corps or recruiting party, but under a warrant of a justice residing near and within whose jurisdiction such apprentice shall then happen to be, before whom he shall be carried, and such justice shall inquire into the matter upon oath, which oath he is hereby empowered to administer, and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the said place, and shall keep the indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of the county, division, or place, unless the Court shall on just cause put off the trial; and the production of the indenture, with the certificate of the justices that the same was proved, shall be sufficient evidence of the said indenture; and every such offender, in Scotland, may be tried by the judge ordinary, in the county or stewartry, in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment; provided that any justice not required as aforesaid to commit such apprentice may deliver him to his master.

How and where troops may be billetted.

LII. And whereas by petition of right in the third year of King Charles the First it is enacted and declared, that the people of the land are not by the laws to be burthened with the sojourning of soldiers against their wills; and by a clause in an Act of the Parliament of England, made in the thirty-first year of the reign of King Charles the Second, for granting a supply to his Majesty of two hundred and six thousand four hundred and sixty-two pounds seventeen shillings and three pence, for paying and disbanding the forces, it is declared and enacted, that no officer, civil or military, nor other person whosoever, should thenceforth presume to place, quarter, or billet any soldier upon any subject or inhabitant of this realm, of any degree, quality, or profession whatsoever, without his consent, and that it shall be lawful for any subject or inhabitant to refuse to quarter any soldier, notwithstanding any warrant or billetting whatsoever: and whereas by an Act passed in Ireland in the sixth year of the reign of Queen Anne, intituled, "An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March," it was enacted, that no officer, soldier, or trooper in the army, nor the servant of any officer, nor any attendant on the train of artillery, should at any time thereafter be allowed any quarters in any part of Ireland, save only during such time as he or they should be and remain in some seaport town in order to be transported, or during such time as there should be any commotion in any part of Ireland, by reason of which emergency the army should be commanded to march from any part of Ireland to another: but forasmuch as at this time, during the continuance of this Act, there is and may be occasion for the marching and quartering of regiments, troops, and companies in several parts of the United

6 Anne. (I.)

Kingdom of Great Britain and Ireland, be it enacted, that it shall be lawful for all constables of parishes and places, and other persons specified in this Act, in England and Ireland, and they are hereby required, to billet the officers and soldiers in her Majesty's service, and persons receiving pay in her Majesty's army, and the horses belonging to her Majesty's cavalry, and also all staff and field officers' horses, and all bât and baggage horses belonging to any of her Majesty's other forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by her Majesty's regulations, in victualling houses and other houses specified in this Act (taking care in Ireland not to billet less than two men in any one house, except only in case of billetting cavalry as specially provided); and that they shall be received by the occupiers of such houses in which they are so allowed to be billetted, and be furnished by such victuallers with proper accommodation in such houses, or if any victualler shall not have sufficient accommodation in the house upon which a soldier is billetted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in England with diet and small beer, and with stables, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates hereinafter provided; and at no time when troops are on a march shall any of them, whether infantry or cavalry, be billetted above one mile from the place mentioned in the route; and in all places where cavalry shall be billetted in pursuance of this Act, the men and their horses shall be billetted in one and the same house, except in case of necessity; and in no other case whatsoever shall there be less than one man billeted where there shall be one or two horses, nor less than two men where there shall be four horses, and so in proportion for a greater number; and in no case shall a man and his horse be billetted at a greater distance from each other than one hundred yards; and the constables are hereby required to billet all soldiers and their horses on their march in a just and equal proportion upon the keepers of all houses within one mile of the place mentioned in the route, although some of such houses may be in the adjoining county, in like manner in every respect as if such houses were locally situate within such place; provided that nothing herein contained shall be construed to extend to authorize any constable to billet soldiers out of the county to which such constable belongs, when the constable of the adjoining county shall be present and undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective soldiers and horses present to be billetted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present; and if any person shall find himself aggrieved by having an undue proportion of soldiers billetted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice, then to two or more justices, within whose jurisdiction such soldiers are billetted, such justices respectively shall have power to order such of the soldiers to be removed, and to be billetted upon other persons, as they shall see cause; and when any of her Majesty's cavalry or any horses as aforesaid shall be billetted upon the occupiers of houses in which officers or soldiers may be quartered by virtue of this Act, who shall have no stables, then and in such case, upon the written requisition of the commanding officer of the regiment, troop, or detachment, the constable is hereby required to billet the men and their horses, or horses only, upon some other person or persons who have stables by this Act liable to have officers and soldiers billetted upon them; and upon complaint being made by the person or persons to whose house or stables the said men and horses shall have been so removed to two or more justices within whose jurisdiction such men or horses shall be so billetted, it shall be lawful for such justices to order a proper allowance to be paid by the person relieved to the persons receiving such men and horses, or to be applied

in furnishing the requisite accommodation; and commanding officers may exchange any man or horse billetted in any place with another man or horse billetted in the same place, for the benefit of the service, provided the number of men and horses do not exceed the number at that time billetted on such houses; and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any soldiers requiring billets, to extend any routes or enlarge the districts within which billets shall be required, in such manner as shall appear to be most convenient to the troops; provided that, to prevent or punish all abuses in billetting soldiers, it shall be lawful for any justice within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and soldiers who shall be quartered by such constable, together with the names of the persons upon whom such officers and soldiers are billetted, stating the street or place where such persons dwell, and the sign, if any, belonging to those houses; and it shall be lawful to billet officers and soldiers in Scotland according to the provisions of the laws in force in Scotland at the time of its union with England; and no officer shall be obliged to pay for his lodging where he shall be regularly billetted, except in the suburbs of Edinburgh. (1)

(1) [By 50 Geo. 3, cap. 87, sec. 3, all the powers, authorities, provisions, &c., in any Act of Parliament in force for the time being, relating to the quartering, billetting, and provisioning of soldiers and officers of the Crown and to allowances in respect thereof, as well as to the providing of carriages for the use of such soldiers, are extended to soldiers enlisted for or transferred to the service of the Company.]

LVII. And be it enacted, that for the regular provision of carriages for her Majesty's forces, and their baggage in their marches, in England and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by an order from her Majesty, or the General of her forces, or the Master-general or Lieutenant-general of her Majesty's ordnance, or other person duly authorized in that behalf, shall, on production of such order to such justices by some officer or non-commissioned officer of the regiment so ordered to march issue a warrant to any constable having authority to act in any place from, through, near, or to which the troop shall be ordered to march (for each of which warrants the fee of one shilling only shall be paid), requiring him to provide the carriages, horses, and oxen, and drivers therein-mentioned, and allowing sufficient time to do the same, specifying places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed a day's march prescribed in the order of route, and shall in no cases exceed twenty-five miles; and the constables receiving such warrants shall order such persons as they shall think proper, having carriages to furnish the requisite supply, who are hereby required to furnish the same accordingly; and when sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burthen of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice near the place where troops may be quartered on the march, any justice residing nearest to such place may cause a list to be made out once in every year of all persons liable to

Supply of carriages.

furnish such carriages, and of the number and description of their said carriages (which list shall at all seasonable hours be open to the inspection of the said persons), and may by warrant under his hand authorize the constable within his jurisdiction to give orders to provide carriages, without any special warrant for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, as far as the same can be done. (1)

(1) [See note on section 52.]

Penalty on unlawful recruiting.

LXVII. And be it enacted, that all the persons (except such recruiting parties as may be stationed under military command) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the line, embodied militia, or East-India Company's service, or shall open or keep any house, place of rendezvous, or office, or receive any person therein under such bill or advertisement, as connected with the recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the Adjutant-general, or from the Directors of the East-India Company (as the case may be), shall forfeit for every such offence the sum of twenty pounds.

Duration of Act.

LXXX. And be it enacted, that this Act shall be and continue in force within Great Britain from the twenty-fifth day of April, one thousand eight hundred and forty inclusive, until the twenty-fifth day of April, one thousand eight hundred and forty-one; and shall be and continue in force within Ireland, and in Jersey, Guernsey, Alderney, Sark, and Isle of Man, and the Islands thereto belonging, from the first day of May, one thousand eight hundred and forty inclusive, until the first day of May, one thousand eight hundred and forty-one; and shall be and continue in force within the garrison of Gibraltar, the Mediterranean, and in Spain and Portugal, from the first day of August, one thousand eight hundred and forty inclusive, until the first day of August one thousand eight hundred and forty-one; and shall be and continue in force in all other parts of Europe where her Majesty's forces may be serving, and in the West-Indies and America, from the first day of September, one thousand eight hundred and forty inclusive, to the first day of September, one thousand eight hundred and forty-one; and shall be and continue in force within the Cape of Good Hope, the Isle of France, or Mauritius and its dependencies, Saint Helena, and the Western Coast of Africa, from the first day of January, one thousand eight hundred and forty-one inclusive, to the first day of January, one thousand eight hundred and forty-two; and shall be and continue in force in all other places from the first day of February, one thousand eight hundred and forty-two inclusive, to the first day of February, one thousand eight hundred and forty-three; provided that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of her Majesty's dominions beyond the seas, become and be in full force; anything herein-before contained to the contrary notwithstanding.

SCHEDULES to which this Act refers.

Questions to be put separately by the Justice to a Recruit.

Enlisting for Unlimited Service.

1. What is your name?
2. In what parish, and in or near what town, and in what county were you born?

3. What is your age?
4. What is your trade or calling?
5. Are you an apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to fits; or have you any disability or disorder which impedes the free use of your limbs, or unfits you for ordinary labour?
8. Are you willing to be attested to serve in the regiment of until you shall legally be discharged?
9. On what day and by whom were you enlisted?
10. For what bounty did you enlist?
11. Do you now belong to the militia?
12. Do you belong to any other regiment, or to the marines, ordnance, or navy?
13. Have you ever served in the army, marines, ordnance, or navy?

Note.—The Justice is directed, in putting the eleventh question to the recruit, and before he receives his answer, distinctly to apprise the recruit that if he belongs to the militia, and denies the fact, he is liable to six months' imprisonment.

Enlisting for either her Majesty's or the East-India Company's Service.

Question 8 is to be put by the Justice as follows:

8. Are you willing to be attested to serve in her Majesty's army, or in the forces of the East-India Company, according as her Majesty shall think fit to order, until you shall be duly and legally discharged?

Enlisting for the East-India Company's Service.

Question 8 to be put by the Justice as follows:

8. Are you willing to be attested to serve the East-India Company until you shall be legally discharged? [*Or if the recruit enlist for limited service, then insert* for the period of twelve years, (*if the person enlisting is of the age of eighteen years or upwards; but if under eighteen years, then the difference between his age and eighteen to be added to such twelve years, as the case may be, and such period to be inserted instead of twelve years*), provided the said Company should so long require your service?]

Oath to be taken by a Recruit enlisting for unlimited or limited Service.

I, do make oath, that the above questions have been separately put to me; that the answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make oath, that I will be faithful and bear true allegiance to her Majesty, her heirs and successors, and that I will, as in duty bound, honestly and faithfully defend her Majesty, her heirs and successors, in person, crown, and dignity, against all enemies, and will

observe and obey all orders of her Majesty, her heirs and successors, and of the generals and officers set over me. So help me God.

Witness my hand

_______________ Signature of Recruit.

_______________ Witness present.

Sworn before me at this day of one thousand eight hundred and }

Signature of the Justice. _______________

If enlisting for either her Majesty's or the East-India Company's Service, the following Addition is to be made to the foregoing Oath:

And that if her Majesty, her heirs or successors, shall please to appoint me to serve in the forces of the East-India Company, then I swear that I will also be true to the said Company, and will duly observe and obey all their orders, and the orders of their generals and officers who shall be lawfully set over me.

If enlisting for the East-India Company's Service, the following is to be added to the Oath:

And that I will also be true to the said Company, and will duly observe and obey all their orders, and the orders of their generals and officers who shall be lawfully set over me.

Certificate to be given by the Justice.

Description of

Age apparently,
Height, Feet, Inches.
Complexion,
Eyes,
Hair,

Any distinctive Mark.

to wit, } I one of her Majesty's justices of the peace of do hereby certify, that the above is the description of the recruit and in my presence all the foregoing questions were put to the said ; that the answers written opposite to them are those which he gave to me; and that the first and second articles of the second section of the Articles of War were read over to him; that he took the oath of allegiance and fidelity; that he received the sum of on being attested this day; and that I have given him a duplicate of this certificate signed with my name.

_______________ Signature of the Justice.

3 & 4 VICTORIÆ. Cap. VIII.

An Act *for the Regulation of her Majesty's Royal Marine Forces while on shore.* [3*d April,* 1840.]

VI. And be it enacted, that a general Court-martial, convened in any part of the Queen's dominions, (Bermuda, the Bahamas, Saint Helena, Africa, and the Australian colonies excepted,) or in the settlements of the East-India Company, or elsewhere, shall consist of not less than thirteen commissioned officers, and if convened in Bermuda or the Bahamas, or out of the Queen's dominions (excepting Saint Helena, Africa, and the Australian colonies), shall have not less than seven, and in Saint Helena, Africa, and the Australian colonies not less than five commissioned officers; and in all cases no judgment of death shall pass without the concurrence of two-thirds at the least of the members present; and the president shall in no case be the officer commanding in chief or governor of the garrison where the offender shall be tried, nor under the degree of a field officer, unless where a field officer cannot be had, nor in any case whatsoever under the degree of a captain. Composition of general Courts-martial.

VIII. And be it enacted, that in all trials by general Courts-martial to be held by virue of this Act the president and every member of such Court shall, before any proceedings be had thereupon, take the oaths for that purpose set forth in the Schedule to this Act annexed, before the Judge Advocate or person officiating as such, and on trials by other Courts-martial before the president thereof, who are hereby respectively authorized to administer the same; and so soon as such oaths shall have been administered to the respective members the president of the Court (having himself taken the said oath, to be administered to him by any sworn member), is hereby authorized and required to administer to the Judge Advocate, or the person officiating as such, the oath in the Schedule to this Act for that purpose annexed; and that no proceeding or trial shall be had upon any offence but between the hours of eight of the clock in the morning and four in the afternoon, except in cases which may require an immediate example, and except in the East-Indies, where such trial may be held between the hours of six in the morning and four in the afternoon. Proceedings of Courts-martial.

LXVII. And be it enacted, that this Act shall continue in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and forty until the twenty-fifth day of April one thousand eight hundred and forty-one, inclusive; and within Ireland, and in Jersey, Guernsey, Alderney, Sark, and the Isle of Man, and the islands thereto belonging, from the first day of May one thousand eight hundred and forty until the first day of May one thousand eight hundred and forty-one, inclusive; and within the garrison of Gibraltar, and in Spain and Portugal, from the twenty-fifth day of July one thousand eight hundred and forty until the twenty-fifth day of July one thousand eight hundred and forty-one, inclusive; and in all other parts of Europe where royal marine forces may be serving, and the West-Indies, and North America and Cape of Good Hope, from the twenty-fifth day of September one thousand eight hundred and forty to the twenty-fifth day of September one thousand eight hundred and forty-one, inclusive; and in all other places from the twenty-fifth day of November one thousand eight hundred and forty to the twenty-fifth day of November one thousand eight hundred and forty-one, inclusive. Duration of Act.

3 & 4 VICTORIÆ. Cap. XVII.

An Act *for granting to her Majesty Duties of Customs, Excise, and Assessed Taxes.* [19*th June*, 1840.]

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several additional rates and duties herein-after respectively mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the fifteenth day of May, one thousand eight hundred and forty, there shall be charged, raised, levied, collected, and paid an additional duty or charge of five pounds per centum upon the produce and amount of all the several duties and revenues of Customs and Excise charged and collected under the management of the Commissioners of Customs and Excise respectively throughout the United Kingdom; save and except upon the produce and amount of the duties of Customs upon spirits or strong waters of all sorts; and upon the produce and amount of the duties of Customs upon corn, grain, meal, or flour entered for home consumption in the United Kingdom from parts beyond the seas; (1) and upon the produce and amount of the duties of Excise on horses let to hire, and on licences taken out by persons letting horses for hire; and upon the produce and amount of the duties on spirits made and distilled in the United Kingdom.

An additional duty of £5. per cent. on the amount of all customs and excise duties, except, spirits, corn, and post-horses.

(1) [To the exceptions herein named timber is added by 3 & 4 Vic. cap. 19, which Act immediately follows. By reference to it, the amount of duty levied in place of the five per cent. duty thereby removed, may be ascertained.]

An additional duty of 4*d*. per gallon laid upon all spirits imported.

II. And be it enacted, that from and after the said fifteenth day of May, one thousand eight hundred and forty, there shall be raised, levied, collected, and paid upon every gallon of spirits or strong waters of all sorts imported into the United Kingdom, or in warehouse under her Majesty's locks on the said fifteenth day of May, an additional duty of Customs of four-pence, such additional duty to be charged, raised, levied, collected, and paid as any duty of Customs on spirits or strong waters may be now charged, raised, levied, collected, and paid under any Act or Acts relating to the revenue of Customs.

3 & 4 VICTORIÆ. Cap. XIX.

An Act *for granting to her Majesty an additional Duty of Customs on Timber.* [3*d July*, 1840.]

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several rates and duties herein-after respectively mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-fifth day of June, one thousand eight hundred and forty, the additional duty or charge of five pounds per centum upon the produce and amount of all the duties of Customs on timber, wood, and wood goods, imposed on all descriptions of timber, wood, and wood goods by an Act of the present Session of Parliament, shall cease and determine, and that in lieu thereof, there shall be charged, raised, levied, collected, and paid an additional duty of Customs, not exceeding the following amounts, on the timber, wood, and wood goods herein-after specified; (that is to say,)

After 25th June the additional duty of five percent. on the amount of duties on timber imposed by 3 Vic. c. 17, to cease, and the amount following to be levied.

On all timber, wood, or wood goods, which under any law now in force are made chargeable with their respective duties by the load containing 50 cubic feet, the load, 1*s.* 6*d.*

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3 & 4 VICTORIÆ. Cap. XXIII.

An Act *for Granting to her Majesty until the Fifth day of July, one thousand eight hundred and forty-one, certain Duties on Sugar imported into the United Kingdom for the Service of the Year one thousand eight hundred and forty.*

This Act continues till the 5th of July, 1841, the duties on Sugar imposed by 6 & 7 Wm. 4, cap. 26, and also the additional duty granted by 3 & 4 Vic. cap. 17, of five per cent. on the previous amount. It likewise contains a repetition of a provision of former Acts (7 Wm. 4 and 1 Vic. cap. 27; 1 & 2 Vic. cap. 33; and 2 & 3 Vic. cap. 21), for giving admittance, subject to certain conditions, to the Sugar of other British possessions in India in addition to that of Bengal, at the lower rate of duty, under which the Sugar of the territories of Fort Saint George is now admissible. See note (2) on section 1 of 6 & 7 Wm. 4, cap. 26.

3 & 4 VICTORIÆ. Cap. XXXVII.

An Act *to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and for providing for the Observance of Discipline in the Indian Navy, and to amend the Laws for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service.* [*4th August*, 1840.]

4 G. 4. c. 81.

Whereas an Act was passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and to authorize Soldiers and Sailors in the East-Indies to send and receive letters at a reduced Rate of Postage." and it being requisite for the retaining of such forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny or stir up sedition, or shall desert the said Company's service, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that if any person who is or shall be commissioned or in pay as an officer, or who is or shall be listed or in pay as a non-commissioned officer or soldier in the service of the said Company, shall, at any time during the continuance of this Act, begin, excite, cause, or join in any mutiny or sedition in the land or marine forces of her Majesty or of the said Company, or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny or intended mutiny shall not, without delay, give information thereof to his commanding officer; or shall cast away his arms or ammunition, or otherwise misbehave himself before the enemy: or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall be commanded to defend; or shall compel the governor or commanding officer of any garrrison, fortress, or post to deliver up to the enemy or to abandon the same: or shall speak words or use any other means to induce such governor or commanding officer, or others, to misbehave towards the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, which he or they shall be commanded to defend: or shall treacherously make known the watchword: or shall intentionally occasion false alarms in action, camp, garrison, or quarters: or shall leave his post, for plunder or otherwise, before relieved, or shall be found sleeping on his post: or shall hold correspondence with or give advice or intelligence to any rebel or enemy of her Majesty or the said Company, either by letters, messages, signs, or tokens, in any manner or way whatsoever; or shall knowingly harbour or protect such rebel or enemy, or shall treat or enter into any terms with such rebel or enemy, without the licence of the said Company or of the said Company's Governor-general in Council, or Governor in Council at any of their presidencies, or without the licence of the general or chief-commander; or who shall do violence to any person bringing provisions or other necessaries to the quarters of the forces; or shall force a safeguard: or shall strike or shall use or offer any violence against his superior officer, being in the execution of his office; or shall disobey any lawful command of his superior officer; or shall desert the said Company's service: and all and every person and persons so offending in any of the matters before-mentioned, whether such offence shall be committed within the dominions of

Punishment for mutiny, desertion, and divers other military crimes.

her Majesty or the possessions or territories which are or may be under the government of the said Company, or in foreign parts, upon land or upon the sea, within or without the limits of the Charter of the said United Company, shall suffer death, transportation, or such other punishment as by a Court-martial shall be awarded.

Power to appoint general Courts-martial any where beyond 120 miles from the presidencies of Fort William, Fort St. George, and Bombay, except Prince of Wales' Island, Singapore, and Malacca, for the trial of capital offenders.

II. And be it enacted, that the general or other officer commanding in chief the forces of or belonging to the presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being may appoint general Courts-martial, and issue his warrant to any general or other officer not below the degree of a field officer, having the command of a body of troops of her Majesty, or of the said Company, empowering them respectively to appoint general Courts-martial, as occasion may require, to be holden within the territories of any foreign state, or in any country under the protection of her Majesty or the said Company, or at any place (other than Prince of Wales' Island, Singapore, and Malacca,) in the territories under the government of the said Company, and situated above one hundred and twenty miles from the said presidencies respectively, for the trial of any person under his command, accused of having committed wilful murder or any other capital crime, or of having used violence or committed any offence against the person or property of any subject of her Majesty, or any other person entitled to her Majesty's protection, to the protection of the respective governments of the East-India Company, or of any state in alliance with the said Company, within the territories of any foreign state, or in any country under the protection of her Majesty or the said Company, or at any place, other than Prince of Wales' Island, Singapore, or Malacca, in the territories under the government of the said Company, situated above one hundred and twenty miles from the said presidencies respectively; and the persons accused, if found guilty, shall suffer death, or be liable to transportation for life or for a term of years, or to such other punishment, according to the nature and degree of the respective offences, as by such sentence of any such general Court-martial shall be awarded: provided always, that any person so tried shall not be liable to be tried for the same offence by any other Court whatsoever.

Sentences of death or transportation not to be carried into execution till confirmed by the officer commanding in chief, with the concurrence of the governor of the presidency.

III. And be it enacted, that in every case wherein a sentence of death or transportation shall be pronounced, or a sentence of death shall be commuted to transportation, for any such capital offence committed at any place situated above one hundred and twenty miles from the presidencies of Fort William, Fort Saint George, and Bombay respectively, and being within the territories under the government of the said Company, such sentence, whether original, revised, or commuted, shall not be carried into execution until confirmed by the general or other officer commanding-in-chief at the presidency, with the concurrence of the Governor-general in Council, or Governor in Council of the presidency in the territories subordinate to which the offender shall have been tried, although such offender may belong to the forces of another presidency: provided always, that such sentence shall have been regularly reported to and approved and confirmed by the general or other officer commanding-in-chief the forces of the presidency to which such offender shall belong, and by whom or under whose authority the Court-martial by which such offender shall have been tried was appointed.

Such offenders, if apprehended by the civil authorities, to be delivered over for trial by Court-martial.

IV. And be it enacted, that if any person liable to be tried by a Court-martial for any such offence alleged to have been committed within the territories of any foreign state, or in any country under the protection of her Majesty or the said Company, or at any place (other than Prince of Wales' Island, Singapore, or Malacca,) in the territories under the government of the said Company situate above one hundred and twenty miles from the said presidencies of Fort William, Fort Saint George, and Bombay respectively, and for which no proceeding

shall have been commenced in any Court of competent jurisdiction, shall be apprehended by the authority of or brought before any magistrate for any such offence, such magistrate shall deliver over such accused person to the commanding officer of the regiment, corps, or detachment to which such accused person shall belong, or to the commanding officer of the nearest military station, for the purpose of his being tried by a Court-martial for such offence as herein-before is provided in that behalf.

The ordinary course of law not to be interfered with.

V. And be it enacted, that nothing in this Act contained shall be construed to exempt any officer or soldier from being proceeded against by the ordinary course of law; and any commanding officer who shall wilfully neglect or refuse, when application is made to him for that purpose, to deliver over to the civil magistrate any officer or soldier accused of any capital crime, or of any violence or offence against the person, estate, or property of any of her Majesty's subjects, or any other person entitled to her Majesty's protection, or to the protection of the respective governments of the East-India Company, or of any state in alliance with the said Company, which is punishable by the ordinary course of law, or shall wilfully neglect or refuse to assist the officers of justice in apprehending such offender, shall, upon conviction thereof in any prosecution in any of her Majesty's Courts of Record in India, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any civil or military office or employment in the said Company's service in the East-Indies: and a copy of the record of such conviction, subscribed and attested by the clerk of the crown or other proper officer of the Court in which such conviction shall take place, shall, within two months from the time of such condition, be transmitted to the Judge Advocate General of the army to which such offender shall belong; provided that nothing herein contained shall extend to require the delivery over to the civil magistrate of any such person accused of any offence who shall have been tried for such offence by any Court-martial in manner herein-before provided in respect of offences committed within the territories of any foreign state, or in any country under the protection of her Majesty or the said Company, or at any place in or out of the territories of the said Company situate above one hundred and twenty miles from the said presidencies of Fort William, Fort Saint George, and Bombay respectively, or against whom any effectual proceeding shall have been taken or ordered to be taken, for the purpose of bringing such person to trial by such Court-martial as aforesaid; provided also, that no person or persons, being acquitted or convicted of any capital crime, violence, or offence, by the civil magistrate or the verdict of a jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering.

After trial by the civil power, no other punishment than cashiering.

No soldier liable to arrest for debt, unless amounting to 300 Company's rupees.

VI. And be it enacted, that no person whatever enlisted into the Company's service as a soldier shall be liable to be arrested or taken therefrom, by any process or execution whatever, other than for some criminal matter, unless an affidavit (for which no fee shall be taken) shall be made by the plaintiff, or some one on his behalf, before a judge of the Court out of which such process or execution shall issue, or before some person authorized to take affidavits in such Court, of which affidavit a memorandum shall, without fee, be endorsed upon the back of such process, that the original debt for which the action has been brought or execution sued out amounts to the value of three hundred Company's rupees at the least, over and above all costs of suit in the action or actions on which the same shall be grounded; and any judge of such Court may examine into any complaint thereof made by a soldier or by his superior officer, and by warrant under his hand discharge such soldier without fee, he being shown to be duly enlisted, and to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy

that the person who takes out the said execution might have had for his costs, or the plaintiff in the like action might have had for the recovery of his costs, in case judgment had been given for him with costs, against the defendant in the said action; provided that any plaintiff, upon notice of the cause of action first given in writing or left at such soldier's last quarters, may file a common appearance, in any action to be brought for or upon account of any debt whatsoever, and proceed therein to judgment according to the course of the Court, and have execution other than against the body.

Plaintiff may enter a common appearance, &c.

VII. And be it enacted, that it shall be lawful for her Majesty to make articles of war for the better government of the said Company's Forces, which articles of war shall be judicially taken notice of by all judges and in all Courts whatsoever; and copies of the same, printed by the Queen's printer, shall, as soon as conveniently may be after the same shall have been made and established by her Majesty, be transmitted by her Majesty's Secretary at War, signed with his own hand and name, to the judges of her Majesty's superior Courts at Westminster, Dublin, Edinburgh, and in India respectively, and also to the Governors of her Majesty's dominions abroad, and the territories within the limits of the Charter of the said Company; provided that no person shall by such articles of war be subject to any punishment extending to life or limb or transportation within the dominions of her Majesty, or the possessions or territories which are or may be under the government of the said Company, for any crime committed within one hundred and twenty miles distance from either of the presidencies of Fort William, Fort Saint George, or Bombay, which is not expressed to be so punishable by this Act; provided also, that nothing in this Act contained shall in any manner impeach or affect any articles of war, or any matters enacted or in force, or which hereafter may be enacted by the Government of India, respecting officers or soldiers being natives of the East-Indies, or other places within the limits of the said Company's Charter, and to whom the present Act is declared not to be applicable. (1)

The Queen may make articles of war, of which all Courts shall take judicial notice; and copies to be transmitted to judges and governors.

(1) [*Vide* 53 Geo. 3, cap. 155, secs. 96 & 97, and 3 & 4 Wm. 4, cap. 85, sec. 73.]

VIII. And be it enacted, that on the trial of all offences committed by any native officer or soldier, or follower, reference shall be had to the articles of war, framed by the Government of India for such native officers, soldiers, or followers, and to the established usages of the service. (1)

Trial of native officer or soldier.

(1) [*Vide* note on section 7.]

IX. And be it enacted, that her Majesty may from time to time grant a commission or warrant under her royal sign manual unto the Court of Directors of the said Company, who, by virtue of such commission or warrant, shall have power under the seal of the said Company to authorize and empower their Governor-general in Council and Governor in Council for the time being at the presidencies of Fort William, Fort Saint George, and Bombay respectively, from time to time to appoint Courts-martial, and to authorize and empower the general or other officer commanding any body of the forces employed in the said Company's service to appoint general Courts-martial, as well as to authorize any officer under their respective commands, not below the degree of a field officer, to convene general Courts-martial, as occasion may require, for the trial of offences committed by any of their forces under their several commands, whether the same shall have been so committed before or after such officer shall have

The Queen may authorize the Court of Directors of the East-India Company to empower the Indian governments and their commanding field officers to appoint Courts-martial.

taken upon himself such command, all which Courts-martial shall be constituted and shall regulate their proceedings according to the several provisions herein-after specified; provided that, whenever any of her Majesty's forces shall be employed to act under the authority of any of the said Company's presidencies in the East-Indies, the power of appointing Courts-martial, or authorizing the appointment of Courts-martial, for the trial of any officer or soldier of the said Company of or belonging to such presidencies, shall be in the officer for the time being commanding in chief at such presidency.

The Queen may authorize the convening of Courts-martial for trying offences against articles of war.

X. And be it enacted, that for bringing to justice offenders against such articles of war as may be framed by her Majesty as herein-before provided, it shall be lawful for her Majesty to grant her commission or warrant to the persons and in the manner herein mentioned and expressed for convening, and authorizing any officer under their respective commands not below the degeee of a field officer to convene Courts-martial, as well in the possessions or territories which are or may be under the government of the Company, as elsewhere, where the troops of the Company are or may be employed, as occasion may require, for the trial of offences committed by any of the forces under their several commands, whether the same shall have been committed before or after such officer shall have taken upon himself such command.

Offenders may be tried and punished in places other than where the offences have been committed.

XI. And be it enacted, that any person subject to the provisions of this Act who shall, in any part of her Majesty's dominions, or the possessions or territories under the government of the East-India Company, or elsewhere, commit any offence for which he may be liable to be tried by Court-martial by virtue of this Act, may be tried and punished for the same in any part of her Majesty's dominions, or the possessions or territories which are or may be under the government of the said Company, or elsewhere where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

Composition and constitution of general Courts-martial.

XII. And be it enacted, that all general Courts-martial held under the authority of this Act shall consist of not less than thirteen commissioned officers, except the same shall be holden in any place out of her Majesty's dominions, or of the possessions or territories which are or may be under the government of the said Company, or at Prince of Wales' Island, Singapore, or Malacca, at which places such general Court-martial may consist of any number not less than five; and no judgment of death shall pass without the concurrence of two-thirds at least of the officers present; and the president shall in no case be the officer commanding in chief or Governor of the garrison where the offender shall be tried, nor under the degree of a field officer, unless where a field officer cannot be had, nor in any case whatsoever under the degree of a captain.

Powers of general Courts-martial.

XIII. And be it enacted, that a general Court-martial may sentence any soldier to imprisonment, with or without hard labour, in any public prison or other place which the Court or the officer commanding the regiment or corps to which the offender belongs or is attached shall appoint, and may also direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding one month at a time, or three months at different times, with intervals of not less than one month between such times in one year of such imprisonment with hard labour, or may sentence any soldier to corporal punishment, not extending to life or limb, for immorality, misbehaviour, or neglect of duty; and a general Court-martial may, in addition to any such punishment as aforesaid, sentence any offender to forfeiture of all advantage as to additional pay and pension on discharge; and whensoever any Court-martial by which any soldier shall have been tried and convicted of any offence punishable with death shall not think the offence deserving of capital

punishment, such Court-martial may, instead of awarding a corporal punishment or imprisonment, adjudge the offender, according to the degree of the offence, to be transported as a felon for life or for a certain term of years, or may sentence him to general service as a soldier in any corps of the said Company's forces, and in any country or place (such country or place being within the limits of the said Company's Charter, and under the said Company's Government,) which the officer commanding in chief at the presidency to which the offender belongs shall thereupon direct, or may, if such offender shall have enlisted for a limited number of years, sentence him to serve for life as a soldier in any corps of the said Company's forces which such officer commanding in chief shall direct; and the Court may, in addition to any other punishment, sentence such offender to forfeit all advantage as to increase of pay or as to pension on discharge which might otherwise have accrued to such offender; provided that in all cases where a capital punishment shall have been awarded by a general Court-martial it shall be lawful for the officer commanding in chief the forces of the presidency to which the offender shall belong, instead of causing such sentence to be carried into execution, to order the offender to be transported as a felon, either for life or for a certain term of years, as shall seem meet to the officer commanding as aforesaid.

The Queen empowered to appoint or to authorize the Indian Government to appoint places of transportation.

XIV. And be it enacted, that her Majesty may, by any order or orders, to be by her from time to time made, with the advice of her Privy Council, appoint, or by any such order or orders in Council authorize the Governor-general of India in Council, and the Governors in Council of Fort Saint George and Bombay respectively, to appoint any place or places beyond the seas within her Majesty's dominions to which felons and other offenders may be conveyed; and that when such offenders shall be about to be transported from any of the said presidencies to such place of transportation, the Governor of such presidency shall give orders for his intermediate custody and removal to the ship to be employed for his transportation, and shall empower some person to make a contract for the effectual transportation of the offender to the place so appointed, and shall direct security to be given for such transportation.

Indian Governments to execute sentences of transportation.

Transports to be subject to the convict laws of the place of transportation.

XV. And be it enacted, that so soon as such offender shall be delivered to the Governor of the colony, or other person or persons to whom the contractor or other person appointed for that purpose as aforesaid shall be so directed to deliver him, every such person shall, within the place or places to which, under or in pursuance of any such order or orders in Council, they shall be sent or transported, be subject and liable to all such and the same laws, rules and regulations as are or shall be in force in any such place or places with respect to convicts transported from Great Britain.

Trial and punishment for embezzlement and similar offences.

XVI. And be it enacted, that every paymaster or other commissioned officer, or any person employed in the ordnance or commissariat department, or in any manner in the care or distribution of any money, provisions, forage, or stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the embezzlement or fraudulent misapplication, or damage of any money, provisions, forage, clothing, ammunition, or other military stores, belonging to her Majesty's forces, or for her use, or belonging to the East-India Company, or for their use, may be tried for the same by a general Court-martial, which may adjudge any such offender to be transported as a felon for life, or for any certain term of years, or to suffer such punishment of fine, imprisonment, dismissal from the said Company's service, and incapacity of serving the East-India Company in any office, civil or military, as such Court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained, which shall have been ascertained by such Court-martial; and the loss and damage

so ascertained as aforesaid shall be a debt to her Majesty or the East-India Company, as the case may be, and may be recovered accordingly.

Composition and powers of district or garrison Courts-martial.

XVII. And be it enacted, that a district or garrison Court-martial shall consist of not less than five commissioned officers, and may sentence any soldier to any imprisonment, with or without hard labour, in any public prison or other place which such Court or the officer commanding the regiment or corps to which the offender belongs or is attached shall appoint, and may also direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding one month at a time, or three months at different times with intervals of not less than one month between such times in one year, of such imprisonment with hard labour, or may sentence any soldier to corporal punishment, not extending to life or limb, for immorality, misbehaviour, or neglect of duty; and such Court may, in addition to either of the said punishments, sentence a soldier to forfeiture of all advantage as to additional pay, and to pension on discharge, for disgraceful conduct.

In wilfully maiming or injuring himself, or any other soldier, at the instance of such soldier, with intent to render himself or such seldier unfit for service:

In tampering with his eyes:

In malingering, feigning disease, absenting himself from hospital whilst under medical care, or other gross violation of the rules of any hospital, thereby wilfully producing or aggravating disease or infirmity, or wilfully delaying his cure:

In purloining or selling stores, the property of the Crown or of the East-India Company:

In stealing any money or goods, the property of a comrade, or of any military or regimental mess:

In producing false or fraudulent accounts or returns:

In embezzling or fraudulently misapplying money intrusted to him, belonging either to the Crown or the East-India Company:

Or in committing any petty offence of a felonious or fraudulent nature, to the injury of or with intent to injure any person, civil or military:

Or for any other disgraceful conduct, being of a cruel, indecent, or unnatural kind:

And such offender may be further put under stoppages, not exceeding two-thirds of his daily pay, until the amount be made good of any loss or damage arising out of his misconduct; and if any soldier shall be convicted of any such disgraceful conduct, and shall be sentenced to forfeiture of his claim to pension, the Court may further recommend him to be discharged with ignominy from the service; and any such Court shall deprive a soldier, if convicted of a charge of habitual drunkenness, of his liquor when issued in kind, or of his allowance in lieu of beer or liquor, or of such proportion thereof, or of such portion of his additional or regular pay, for such period, not exceeding two years, as may accord with her Majesty's articles of war for the Company's troops, subject to restoration on subsequent good conduct; and in addition to any such punishment, the Court may, if it shall think fit, sentence such offender to imprisonment or to corporal punishment; provided that in all the foregoing cases the sentences of a district or garrison Court-martial shall be confirmed by the general officer, governor, or senior officer in command of the district, garrison, or island; and the president of every Court-martial, other than a general Court-martial, not being under the rank of captain, shall be appointed by the officer convening such Court-martial; provided that such Court-martial shall not have power to pass any sentence of death or transportation.

Sentences to be confirmed.

President.

Certain offences may be tried and punished by regimental Courts-martial.

XVIII. And be it enacted, that in cases of mutiny and gross insubordination, or any offences committed on the line of march, the offence may be tried by a regimental Court-

martial, and the sentence confirmed and carried into execution on the spot by the officer in the immediate command of the troops, provided that the sentence shall not exceed that which a regimental Court-martial is competent to award; and a regimental Court-martial may try any soldier for habitual drunkenness, and may sentence any soldier to imprisonment, with or without hard labour, for any period not exceeding forty days, and to solitary confinement for any period not exceeding twenty days; and whenever any such Court-martial shall sentence any soldier to imprisonment as aforesaid it may (if it shall think fit) direct that he be kept in solitary confinement for a certain portion or portions of the period of such imprisonment: provided always, that when such Court shall direct the imprisonment to be part solitary and part otherwise, the whole period of such imprisonment, including the solitary part thereof, shall not exceed twenty days, and shall be divided into periods not exceeding ten days each; and a regimental Court-martial may sentence any soldier for being drunk when on or for duty or parade, or on the line of march, to be deprived of a penny a day of his pay for any period not exceeding thirty days, in addition to any other punishment which such Court may award; and any such Court shall deprive a soldier, if convicted of a charge of habitual drunkenness, of his liquor, when issued in kind, or of his allowance in lieu of beer or liquor, or of such proportion thereof, or of such portion of his additional or regular pay for such period, not exceeding six months, as may accord with her Majesty's Articles of War for the Company's troops, subject to restoration on subsequent good conduct.

Regulations as to imprisonment and other punishment awarded by regimental Courts-martial.

XIX. And be it enacted, that every soldier who shall be found guilty of desertion by a general or district or garrison Court-martial, where such findings shall be duly approved, or of felony in any Court of civil judicature, shall thereupon forfeit all advantage as to additional pay, and to pension on discharge, in addition to any punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the crime of desertion, in addition to any other punishment, to direct that the offender be marked on the left side, two inches below the arm-pit, with the letter D., such letter not to be less than an inch long, and to be marked upon the skin with some ink or gunpowder, or other preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Additional punishments.

XX. And be it enacted, that it shall be lawful for any officer commanding any district, or any portion of the said Company's troops which may at any time be serving in any place out of her Majesty's dominions, or of the possessions or territories which are or may be under the government of the said Company, or of the territories of those states in alliance with the said Company in which the said Company's forces are permanently stationed, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident in any such countries, by any person serving with or belonging to the Company's army, being under the immediate command of any such officer, to summon and cause to assemble a Court-martial, which shall consist of not less than three officers at the least, for the purpose of trying any such person, notwithstanding any such officer shall not have received any warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same powers in regard to summoning and examining witnesses, trial of and sentence upon any such offenders, as are granted by this Act to general Courts-martial; provided that no sentence of any such Court-martial shall be executed until the general commanding-in-chief of the army to which the division, brigade, detachment, or party to which any person so tried, convicted, and adjudged to suffer punishment shall belong, shall have approved and confirmed the same.

Officers in command of troops serving in foreign countries, not in alliance with the East-India Company, may assemble Courts-martial.

Sentence of such Courts to be confirmed.

How proceedings shall be regulated in cases of conjunction of Queen's and Company's officers on Courts-martial.

XXI. And be it enacted, that officers of her Majesty's land forces, and of the forces in the service of the East-India Company may, whenever it shall be necessary, sit in conjunction on Courts-martial, which shall be regulated in like manner as if consisting wholly of officers of her Majesty's land forces, or wholly of officers in the service of the said Company; except that upon the trial of any person in her Majesty's land forces, the provisions of the Act which shall exist at the time for the punishment of mutiny and desertion in her Majesty's forces shall be applicable; and on the trial of any officer or soldier in the service of the said East-India Company, the provisions of this Act shall be applicable, notwithstanding any officer in the actual service of the said Company may have a commission from her Majesty or any of her royal predecessors.

Courts-martial may be wholly composed of Queen's officers.

XXII. And whereas it may sometimes happen that officers in the service of the said Company cannot conveniently be had to compose the whole or part of a Court-martial; be it enacted, that any officer or soldier, or person subject to the provisions of this Act, may be tried by a general Court-martial composed of officers in her Majesty's service alone; provided always, that the officer convening such Court-martial shall specify in his warrant that no officer in the service of the said Company could conveniently be had.

Oaths or solemn declarations to be administered.

XXIII. And be it enacted, that all general and other Courts-martial shall administer an oath, or, in case of natives of India, an oath or solemn declaration, as circumstances may require, to every person who shall be examined before such Court in any matter relating to any proceedings before the same.

Members of general Courts-martial and officiating Judge Advocate to take the oaths mentioned in the schedule.

XXIV. And be it enacted, that in all trials by general Courts-martial to be held by virtue of this Act the President and every member assisting at such trial, before any proceedings be had thereon, shall take the oaths in the schedule to this Act annexed, before the Judge Advocate or his deputy, or person officiating as such, and on trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn member may administer the oath to the President; and as soon as the said oaths shall have been administered to the respective members, the President of the Court shall administer to the Judge Advocate, or the person officiating as such, the oath in the schedule to this Act annexed; and no proceeding or trial shall be had but between the hours appointed by the officer commanding where the Court-martial is held, except in cases which require an immediate example: provided also, that every witness duly summoned or warned to attend any Court-martial shall during his necessary attendance on such Court, and in going to and returning from the same, be privileged from arrest, and shall, if arrested in breach of such privilege, be discharged by such Court-martial, or any Court of law, or Judge of any such Court, according as the case shall require, upon its being made appear to such Court-martial, Court of law, or Judge, by affidavit in a summary way, that such witness was arrested in going to or returning from or attending upon such Court-martial; and that every witness so duly summoned or warned to attend as aforesaid who shall not attend on such Court, or who attending shall refuse to give evidence, on oath or solemn declaration, or to answer all such questions as the Court may legally demand, shall be liable to be attached in the Courts of law, upon complaint made, in like manner as if such witness had neglected to attend on any trial in any such Court.

Protection to witnesses.

Witness not attending or refusing to give evidence liable to be attached.

A second trial to be had only on appeal from a regimental to a

XXV. And be it enacted, that no officer or soldier, being acquitted or convicted of any offence, shall be liable to be tried a second time by the same or any other Court-martial for the

same offence, unless in the case of an appeal from a regimental to a general Court-martial; and that no finding, opinion, or sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no witness shall be examined nor shall any additional evidence be received by the Court on such revision.

general Court-martial, and no revision more than once.

XXVI. And be it enacted, that every Judge Advocate, or person officiating as such at a general Court-martial, shall transmit, with as much expedition as circumstances will admit, the original proceedings, and the sentence, finding, or opinion of such Court-martial, to the Judge Advocate-general of the army in which such Court-martial shall be held, in whose office they are to be carefully preserved; and any person tried by a general Court-martial or any person in his behalf, shall be entitled, on demand, to a copy of such sentence, finding, or opinion, and proceedings, (paying reasonably for the same,) whether such sentence shall be approved or not, at any time not sooner than three months if the trial took place on the continent of India, or six months if beyond seas; provided that such demand as aforesaid shall have been made within the space of three years from the date of the approval or other final decision upon the proceedings before such general Court-martial.

Original proceedings, sentence, &c. to be transmitted to the Judge Advocate-general of the Army in which such Court shall be held.

XXVII. And be it enacted, that the Government of any of the said presidencies in India may suspend the proceedings of any Court-martial which may at any time be holden within such presidencies respectively.

Indian Governments may suspend proceedings.

XXVIII. And be it enacted, that all crimes and offences which have been committed against the said Act of the fourth year of the reign of his Majesty King George the Fourth, or against any of the Articles of War made and established by virtue of the same, may, during the continuance of this Act, be inquired of and punished in like manner as if they had been committed against this Act; and every warrant for holding any Court-martial under the said Act of the fourth year of the reign of his Majesty King George the Fourth shall remain in full force, notwithstanding the repeal of such Act, and all proceedings of any Court-martial upon any trial begun under the authority of such former Act shall not be discontinued by the repeal of the same: provided always, that no person shall be liable to be tried and punished for any offence against the said Act or this Act, or the Articles of War made or to be made by virtue of the same Acts, or either of them, which shall appear to have been committed more than three years before the issuing of the commission or warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried under such commission or warrant at any time not exceeding two years after the impediment shall have ceased; or unless the conduct of the person accused shall have been submitted to the consideration of the Court of Directors of the East-India Company by the Government of the presidency to which such person shall belong, in which case such person shall be liable to be tried under such commission or warrant at any time not exceeding five years after his offence shall have been committed.

Offences against former Mutiny Act punishable as if committed against this Act, and all existing proceedings continued.

Limitation as to trial of offence.

XXIX. And be it enacted, that every soldier shall be liable to be tried and punished for desertion from any corps into which he may have enlisted, or from her Majesty's service, notwithstanding that he may of right belong to some corps from which he shall have originally deserted; and if such person shall be claimed as a deserter by the corps to which he originally belonged, and be tried as a deserter therefrom, or shall be tried as a deserter from any other corps into which he may have enlisted, or if he shall be tried while actually serving in some corps for desertion from any other corps, every desertion previous or subsequent to

Desertion shall be punishable, notwithstanding any circumstances of enlistment.

that for which he shall be under trial, as well as every previous conviction for any other offence, may be given in evidence against him; and in like manner in the case of any soldier tried for any offence whatever, any previous convictions may be given in evidence against him; provided that no such evidence shall in any case be received until after the prisoner shall have been found guilty of such offence, and then only for the purpose of affixing punishment; and provided also, that after he shall so have been found guilty, and before such evidence shall be received, it shall be proved to the satisfaction of the Court that he had previously to his trial received notice of the intention to produce such evidence on the same; and provided further, that the Court shall in no case award to him any greater or other punishment or punishments than may by this Act, and by the Articles of War to be framed by her Majesty by virtue of this Act, be awarded for the offence of which he shall have been found guilty.

Admissibility of evidence of former offences.

A person acknowledging himself to be a deserter to be deemed duly enlisted and dealt with accordingly.

XXX. And be it enacted, that any person who shall voluntarily deliver himself up as a deserter from any regiment or corps of the said Company's forces, or who, upon being apprehended for desertion or any other offence, shall, in the presence of the magistrate or of the commanding officer of the place, confess himself to be a deserter from any such regiment or corps, shall be deemed to have been duly enlisted and to be a soldier, and shall be liable to serve in any such corps of the said Company's forces as the commander of the forces of the said Company shall think fit to appoint, whether such person shall have been ever actually enlisted as a soldier or not.

Punishment for inducing or assisting in desertion.

XXXI. And be it enacted, that every person who shall directly or indirectly persuade any soldier to desert shall suffer such punishment by fine or imprisonment, or both, as the Court before which the conviction may take place shall adjudge; and every person who shall assist any deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such offence the sum of eight hundred Company's rūpees, and be further liable to imprisonment, not exceeding twelve months.

Regulations for musters and penalties on false musters.

XXXII. And be it enacted, that musters shall be taken of every regiment, troop, or company in the said Company's service at such times as shall be appointed; and no soldier shall be absent from such musters unless properly certified to be employed on some other duty, or to be sick, or in prison, or on furlough; and every person who shall give or procure to be given any untrue certificate whereby to excuse any soldier for his absence from any muster or any other service which he ought to attend or perform, or shall make any false or untrue muster of man or horse, or shall wittingly or willingly allow or sign the muster-roll wherein such false muster is contained, or any duplicate thereof, or who shall directly or indirectly take or cause to be taken any money or gratuity for mustering any soldiers, or for signing any muster-rolls or duplicates thereof, or shall knowingly muster any person by a wrong name, upon proof thereof upon oath made by two witnesses before a general Court-martial, shall for such offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any civil or military office or employment within the territories under the government of the East-India Company, or in her Majesty's service or the service of the said Company; and if the person giving such untrue certificate shall not have any military commission he shall forfeit for every such offence the sum of five hundred Company's rupees; and any person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any horse to be falsely mustered, shall, upon oath made by two witnesses before some magistrate residing near the place where such muster shall be made, forfeit the sum of two

hundred Company's rupees; and the informer, if he belong to the Company's service, shall, if he demand it, be forthwith discharged.

XXXIII. And be it enacted, that any soldier who shall absent himself without leave, or who shall desert, shall, on conviction by a general or other Court-martial, in addition to any punishment awarded by such Court, forfeit his pay for the days on which he has so absented himself without leave, or on which he has been absent by such desertion; and that no soldier shall be entitled to pay, or to reckon service, rewards, pay, or pension, when in confinement under any sentence of any Court, or during any absence from duty by commitment on a charge of any offence cognizable by a civil or criminal Court, or by reason of any arrest for debt, or as a prisoner of war, or while in confinement under any charge of which he shall afterwards be convicted; and if any soldier shall absent himself without leave for any period not exceeding five days, and shall not account for the same to the satisfaction of the commanding officer, it shall be lawful for the said commanding officer (if he shall think fit) to order and direct that, in addition to such other punishment as he has authority to inflict, such soldier shall also suffer forfeiture of his pay for the day or days on which he has so absented himself, and thereupon such pay shall be forfeited, and such soldier shall not be liable to be afterwards tried by a Court-martial for the said offence: provided always, that any soldier who shall be so ordered to forfeit his pay shall have a right to insist on being tried by a Court-martial for his offence instead of submitting to such forfeiture; and provided also, that any soldier acquitted of any offence for which he had been committed shall, upon return to his duty in his corps, be entitled to receive all arrears of pay growing due, and to reckon service during his absence or confinement; and upon rejoining the service from being a prisoner of war due inquiry shall be made by a Court-martial, and if it shall be proved to the satisfaction of such Court that the said soldier was taken prisoner without wilful neglect of duty on his part, and that he hath not served with or under or in any manner aided the enemy, and that he hath returned as soon as possible to the service, he may thereupon be recommended by such Court to receive either the whole of such arrears of pay, or a proportion thereof, and to reckon service during his absence; provided also, that it shall be lawful for the government under which any soldier is serving to order or withhold the payment of the whole or any part of the pay of any such soldier during the period of absence by any of the causes aforesaid.

Suspension and forfeiture of pay.

XXXIV. And be it enacted, that every soldier entitled to his discharge under any orders or any regulations made by the said Company, or upon the expiration of any period for which he shall have engaged to serve, or under this Act, shall be entitled to be sent to Great Britain or Ireland free of expense, and be entitled on his return to have and receive marching money from the place of his being landed to the parish or place in which he shall have been originally enlisted, or at which he shall at the time of arrival in Great Britain or Ireland decide to take up his residence, such place not being at a greater distance from the place of his landing than the place of his original enlistment, such marching money being at the rate and reckoning per diem fixed for victualling soldiers in her Majesty's service on the march: provided always, that every such soldier entitled to and claiming his discharge, and to be sent to Great Britain or Ireland, shall, until his arrival and debarkation in Great Britain or Ireland, be subject to the provisions of this Act, and the Articles of War framed, or to be framed by her Majesty for the better government of the Company's forces.

Soldiers entitled to discharge may claim to be sent home, free of expense;

but to be subject to this Act till their arrival.

XXXV. And be it enacted, that no paymaster or other person shall receive any fees or make any deductions whatsoever out of the pay or allowances of any officer or soldier (without

No paymaster to receive fees, or to make unusual deductions out

of pay, or to detain pay:

Punishment for so doing.

his consent be obtained thereto), other than the usual deductions or such other necessary deductions as shall from time to time be required to be made according to the regulations of the service; and every paymaster or other officer having received any officer's or soldier's pay and allowances, who shall unlawfully detain for the space of one month the same, or refuse to pay the same when it shall become due, according to the several rates established by the regulations of the service, shall, upon proof thereof before a Court-martial, be discharged from his employment, and shall forfeit eight hundred Company's rupees, and be liable to such further punishment as shall by the Court-martial be awarded, one moiety of such fine to be paid to the informer, and should such informer be a soldier he shall, if he demand it, be discharged from any further service; provided that it shall be lawful for the Governor-general in Council, or the Governor in Council, at the said presidencies respectively, to give orders for withholding the pay of any officer or soldier for any period during which such officer or soldier shall be absent without leave.

Indian Governments may give orders to withhold pay in cases of absence without leave.

Penalties on persons unlawfully having or purchasing military stores, &c.

XXXVI. And be it enacted, that any person who shall unlawfully have in his or her possession or keeping, or who shall knowingly detain, buy, exchange, or receive from any soldier or deserter, or any other person, on any pretence whatsoever, or shall solicit or entice any soldier, or shall be employed by any soldier knowing him to be such, to sell any arms, ammunition, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks, provided under barrack regulations, or regimental necessaries, or any article of forage provided for any horses belonging to the service, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence any sum not exceeding forty Company's rupees, (one moiety to be paid to the informer,) together with treble value of all or any of the several articles of which such offender shall so become possessed; and if any credible person shall prove on oath or solemn declaration before a magistrate, or person exercising the like authority, a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description herein-before described, on or with respect to which any such offence shall have been committed, the magistrate or person exercising like authority may grant a warrant to search for such property as in case of stolen goods.

Recruits concealing infirmities punishable.

XXXVII. And be it enacted, that any person who shall enlist into the Company's forces, and who shall be discovered to be incapable of active service by reason of any infirmity which shall have been concealed by such person, or not declared before the justice of the peace at the time of his attestation, and mentioned at the foot thereof, may be transferred into any garrison or veteran or invalid battalion, or into her Majesty's or Company's marine forces, notwithstanding he shall have been enlisted for any particular regiment, and shall be entitled to receive such portion or residue of bounty only as shall be allowed by the said Company by any regulation made in that behalf, in lieu and instead of the bounty upon which such man shall have been enlisted, any thing in any Act or Acts, or any rules or regulations relating to soldiers, to the contrary notwithstanding.

After embarkation all officers and soldiers subject to this Act.

XXXVIII. And be it enacted, that all officers and soldiers who shall be enlisted in or transferred to the service of the said Company, and all officers in the said Company's service who may proceed in charge of or be appointed to do duty with such enlisted or transferred officers and soldiers, shall, from and after their embarkation to go abroad to such place whereto they shall be sent in the service of the said Company, be, during their passage, (1) subject to all the provisions and regulations of this Act, and to all such provisions and regula-

tions as officers and soldiers in the pay of the said Company shall from time to time be subject to at the garrison or place to which such officers and soldiers shall be sent.

(1) [*Vide* note on sec. 32 of 3 & 4 Vic. cap. 6.]

XXXIX. And forasmuch as it may happen that offences may be committed by the said officers and men after their embarkation, and before their arrival at their place of destination abroad, which nevertheless cannot be tried and punished during their passage in such manner as such offences ought to be tried and punished; be it therefore enacted, that in every such case every such officer or soldier may and shall, after his arrival at his place of destination abroad, be tried and punished for every offence committed after his embarkation and before his arrival, in the same manner as he would have been liable to be tried and punished if such offence had been committed in any place where the offender would have been tried by any Court-martial held under the authority of this Act.

Offences during passage cognizable after arrival.

XL. And be it enacted, that the provisions of this Act shall apply to all officers and persons who are or shall be serving and hired to be employed, or who shall serve and be hired to be employed, in the artillery, and in the several trains of artillery, and all conductors of stores, and in the department of engineers, and all officers serving or who shall serve in the corps of engineers, and all officers and persons serving or who shall serve as military surveyors or draftsmen, or in the corps of sappers and miners or pioneers, and all persons who now are or shall be in the ordnance and commissariat department; and all apothecaries, veterinary surgeons, medical storekeepers, hospital stewards, and others serving in the medical establishment of the army, licensed sutlers and followers, and all storekeepers and other civil officers employed under the ordnance, shall be at all times subject to all the penalties and punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the intent and meaning of every part of this Act.

Divers persons, besides officers and soldiers, made subject to this Act.

XLI. And be it enacted, that all officers and soldiers of any troops, being mustered and in pay, which shall be raised or serving in any of the possessions or territories which are or may be under the government of the said Company, or places which are or may be occupied by persons subject to the government of the said Company, or by any forces of the said Company, under the command of any officer having a commission immediately from the government of any of the presidencies of the said Company, shall be liable to martial law in like manner as the Company's other forces are.

Officers and soldiers raised or serving in friendly states subject to martial law.

XLII. And be it enacted, that for the purposes of this Act, and of any Articles of War to be made under the same, the presidency of Fort William in Bengal shall be taken and deemed to comprise under and within it all the territories which by law are divisable between the presidencies of Fort William in Bengal and Agra respectively, and shall for all the purposes as aforesaid be taken to be the presidency of Fort William in Bengal.

For the purposes of this Act the presidency of Fort William to comprise that of Agra.

XLIII. And whereas the said Company, for the safety and protection of the territories under their government, in addition to their land forces, maintain a marine establishment, heretofore called "The Bombay Marine," but now called "The Indian Navy;" and by an Act passed in the ninth year of the reign of King George the Fourth, intituled, "An Act to extend the Provisions of the East-India Mutiny Act to the Bombay Marine," reciting the said Act of the fourth year of King George the Fourth, and that it was expedient that discipline should be enforced in

9 G. 4, c. 72.

the said marine establishment in the manner provided by the said Act of the fourth year of King George the Fourth in respect to the other forces of the said Company, it is enacted, that the provisions of the said Act of the fourth year of King George the Fourth, and the rules and Articles of War made and to be made by virtue thereof, should extend and be applied to the service of "The Bombay Marine;" and that all persons in the service of the said Company belonging to the said Bombay Marine who should be commissioned or in pay as officers, or enlisted or in pay as non-commissioned officers or soldiers respectively, in the said Company's army, should be, to all intents and purposes, liable to the provisions of the said Act of the fourth year of his Majesty King George the Fourth, and to the same rules and Articles of War, and the same penalties, as the officers and soldiers of the said Company's other forces: and whereas it is expedient to provide other means for enforcing discipline in the said marine establishment called "The Indian Navy;" be it enacted, that for the retaining the forces of the said establishment in their duty, the Governor-general of India in Council shall have power to make laws and regulations for securing the observance of an exact discipline in the said service called "The Indian Navy;" and for bringing to a more exemplary and speedy punishment than the usual forms of the law will allow all officers, engineers, soldiers, marines, seamen, and all others belonging to the said marine establishment who shall mutiny or stir up sedition, or shall desert the said service, or shall commit any other offence which in its nature would be cognizable by Courts-martial under this Act, or which may be against good discipline in naval service, in the same and as full and ample manner, to all intents and purposes, as by virtue of an Act passed in the session held in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories till the thirtieth day of April one thousand eight hundred and fifty-four," the said Governor-general in Council now has power to make any laws and regulations whatsoever; any thing in the said last-mentioned Act, or any other Act or Acts, to the contrary notwithstanding.

Governor-general of India in Council empowered to make laws and regulations for securing discipline and punishing offences in the Indian navy, as fully as he may make other laws under 3 & 4 W. 4, c. 85.

Court of Directors, under control, may disallow any such laws and regulations;

XLIV. Provided always, and be it enacted, that in case the Court of Directors of the East-India Company, under the control of the Board of Commissioners for the affairs of India, shall signify to the said Governor-general in Council their disallowance of any laws or regulations by the said Governor-general in Council made by virtue of this Act, then and in every such case, upon receipt by the said Governor-general in Council of notice of such disallowance, the said Governor-general in Council shall forthwith repeal all laws and regulations so disallowed.

but until repealed they shall be in force.

XLV. Provided also, and be it enacted, that all laws and regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect, within and throughout the said territories, as any Act of Parliament would or ought to be within the same territories, and shall be taken notice of by all Courts of justice whatsoever within the same territories in the same manner as any public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of justice any laws or regulations made by the said Governor-general in Council.

No law to be made for sentencing to punishment of death European born subjects, &c.

XLVI. Provided also, and be it enacted, that it shall not be lawful for the said Governor-general in Council, without the previous sanction of the said Court of Directors, to make any law or regulation whereby power shall be given to any Court, other than the Courts of justice established by the Charters of the Crown, to sentence to the punishment of death any of her Majesty's natural-born subjects, born in Europe, or the children of such subjects.

XLVII. Provided also, and be it enacted, that until the said Governor-general in Council shall have made laws and regulations for the good government of the said Indian navy by virtue of the powers by this Act for that purpose given, all the provisions of this Act, and the rules and Articles of War to be made by virtue thereof, shall extend and be applied to the said marine establishment called "The Indian Navy;" and that all persons in the service of the said Company belonging to the said Indian navy, who shall be commissioned or in pay as officers, or enlisted or in pay as non-commissioned officers or soldiers respectively, in the said Company's army, shall be, to all intents and purposes, liable to the provisions of this Act, and to the same rules and Articles of War, and the same penalties, as the officers and soldiers of the said Company's other forces.

Until such laws and regulations made, the provisions of this Act to be applicable to the Indian navy.

XLVIII. And whereas by an Act passed in the sixth year of the reign of his Majesty King George the Fourth, intituled, "An Act to amend Two Acts; of the Fifty-eighth Year of his late Majesty, for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers; and of the Fourth Year of his present Majesty, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company," provision is made for the care, application, and distribution of the effects and credits of officers and soldiers in the said Company's service; and it is expedient to render such provisions more effectual; be it enacted, that it shall be lawful for all persons who may be employed or required, by or under the authority of any Articles of War in force for the time being for the European officers or soldiers in the service of the said Company, to take care of, collect, or superintend or direct the collection of the effects of officers or soldiers dying in the service of the said Company out of the United Kingdom, to ask, demand, and receive any such effects, and to commence, prosecute, and carry on any actions or suits for the recovery thereof, and to sell and dispose of the same, without taking out any letters of administration, either with any will annexed or otherwise, in every respect as if such officers or persons employed or required as aforesaid had been appointed executors or had taken out administration of such effects; and no registrar of any Court in the East-Indies, or any person acting under the appointment or authority of such Court, *ad colligenda* or otherwise, shall in any manner interpose in relation to any such effects, unless required and authorized so to do by any such officer or persons employed or required as aforesaid, any Act or Acts, law, statute, or usage, to the contrary notwithstanding.

6 G. 4, c. 61.

Persons employed under Articles of War to collect effects of officers and soldiers dying in service abroad, may do so without probate or letters of administration.

XLIX. And be it enacted, that all sums of money due by deceased officers and soldiers in respect of any military clothing, appointments, and equipments, servants' wages due, and household expenses during the current month, or in respect of any quarters, or of any mess or regimental accounts, and all sums of money due to any agent or paymaster or quartermaster, or any other officer, upon any such accounts, or on account of any advance made for any such purpose, and also any charges or expenses attending or relating to the illness or funeral of any such officer or soldier, shall be deemed and taken to be regimental debts, and shall be paid out of any arrears of pay or allowances, or out of any prize or bounty-money, or the equipage, goods, chattels, and effects of any officer or soldier dying out of the United Kingdom while in the service of the said Company, in preference to any other debts, claims, or demands whatsoever upon the estate and effects of such officer or soldier; and if any doubt shall arise as to whether any claim or demand made in relation to any officer or soldier is a regimental debt or not, or whether such charges or expenses attending or relating to the illness or funeral of such officer or soldier are proper to be allowed, such question shall be decided and concluded by the order or certificate of the military secretary to the government of the presidency

What debts to be deemed regimental debts, and to have priority accordingly.

Military secretary to decide doubts as to regimental debts.

to which such officer or soldier shall have belonged; and all such payments shall be good and valid in law; and every person who shall make any such payment out of any such arrears of pay, effects, or proceeds as aforesaid under the provisions of this Act, or in pursuance of any such order or certificate of such military secretary, or into whose hands any such money shall come, shall be and are hereby indemnified for and in respect of such payments, and all other acts, matters, and things done in pursuance of the provisions of this Act, or of the order or certificate of the said military secretary, in relation to the distribution of such assets; anything in any Act or Acts, or law or laws, to the contrary notwithstanding.

Regimental debts to be paid without probate or letters of administration, and the surplus only to be deemed the personal estate to be administered.

L. And be it enacted, that all such regimental debts shall and may be paid without probate of any will being obtained, or any letters of administration, or any confirmation of testament, or letters testamentary or dative, being taken out of any person; and the surplus only of such arrears of pay or allowances, prize or bounty-money, equipage, goods, and chattels, or the proceeds thereof, shall be deemed the personal estate of the deceased, for the payment of any duty in respect of any probate, or of any letters of administration or confirmation of testament, or letters testamentary or dative, or for the purpose of distribution as personal estate; and it shall be lawful for the said military secretary to order and direct the payment or distribution of any such surplus in any case in which the same shall not exceed five hundred Company's rupees, without any probate or letters of administration or confirmation of testament, or letters testamentary or dative, or payment of any duty of stamps, or upon legacies or otherwise: and it shall also be lawful for any paymaster or other person to issue any sum not exceeding the value of five hundred Company's rupees, which may be due to any officer deceased, or to the widow or relative of any officer deceased, or to the representative or representatives of any such officer's widow or relative in India, in like manner without any probate or letters of administration, or confirmation of testament, or letters testamentary or dative, or payment of any duty of stamps; or upon legacies or otherwise, the same to be paid to the person who shall be notified by the said military secretary as aforesaid as being entitled thereto; and all such payments respectively shall be as valid and effectual, to all intents and purposes, as if the same had been made by or to any executor or administrator, or under the authority of any probate or letters of administration, or confirmation of testament, letters testamentary or dative; anything in any Act or Acts, or law or laws, to the contrary notwithstanding.

Military secretary to administer such surplus when not exceeding 500 Company's rupees, without probate or administration, and duty free.

Effects remitted not deemed assets in the place to which remitted, so as to render administration necessary, &c.

LI. And be it enacted, that such effects, or the proceeds or surplus of such effects, of any officer or soldier so dying, when remitted to any person under any order of the military secretary to the government of any of the said Company's presidencies, or to such military secretary, shall not by reason of coming to the hands of such person or military secretary be taken to be assets or effects in the place to which such proceeds or surplus may be remitted, so as to render it necessary that administration should be taken out in respect thereof; and it shall be lawful for the military secretary to the government of the presidency to which the deceased officer or soldier shall have belonged to order that such effects, or the proceeds or surplus of any such effects, shall be remitted to any other place in India where the same can more conveniently be paid over to the person or persons entitled thereto; and the obedience to the orders of such military secretary in respect to the payment and disposal of any such effects, proceeds or surplus of such effects, shall be a discharge from all actions, suits, and demands in respect thereof to any person to whose hands any such effects, proceeds, or surplus shall have come, and which shall have been paid and disposed of under the order of such military secretary.

Military secretary authorized to order remittance of effects to any other place in India.

Mode of administering surplus prescribed

LII. And be it enacted, that the effects, or the proceeds or surplus of such effects, of any such officer or soldier dying as aforesaid, which shall remain after satisfying such regimental debts as aforesaid, shall with all convenient speed be transmitted to such military secretary, by the officer or person employed or required to take care of, collect, and receive the same as aforesaid; and such military secretary shall cause the same, or the surplus thereof remaining after satisfying such debts, and after such payment and application as is herein-before authorized, to be paid to the executor or legal representative (if in India) of such officer or soldier; or if such executor or legal representative shall not be in India, or shall not within twelve months from the death of such officer or soldier claim such surplus, then and in that case such military secretary shall remit the said surplus to the Court of Directors of the said Company in London, to be by them paid to the executor or legal representative of such officer or soldier so deceased; and such remittance, at the end of twelve months as aforesaid, shall be a discharge to such military secretary from all actions, suits, and demands in respect of such surplus; provided always, that the registrars of her Majesty's several Supreme Courts in India shall not be required or entitled to take out letters of administration, with the will annexed or otherwise, in respect of such surplus; and in all cases in which the surplus so to be remitted by the said military secretary to the said Court of Directors in London shall not exceed fifty pounds it shall be lawful for the said Court of Directors to order and direct the payment and distribution thereof to the parties entitled thereto, without any probate, letters testamentary or dative, or payment of any duty of stamps upon any legacies or otherwise.

Registrars of Supreme Courts not to take out administration to surplus.

Court of Directors may distribute remitted surplus, if not exceeding £50.

Preceding provisions as to the effects of deceased officers and soldiers extended to the Indian navy.

LIII. And whereas it is expedient that the benefit of provisions, similar in principle and extent of operation to those hereby enacted, respecting the collection and conversion into money of the effects of officers or soldiers dying in the service of the said Company out of the United Kingdom, and the nature and priorities of debts of such officers or soldiers, and the general administration of the proceeds or surplus of such effects, should be extended to the Indian navy; be it therefore enacted, that the Governor-general of India in Council shall have power to make laws and regulations in manner aforesaid, to be subject to such disallowance as aforesaid, for providing for the due collection and conversion into money, the priorities and discharge of debts out of, and the application, remittance, and distribution of the effects and credits of officers, engineers, soldiers, marines, seamen, and all others belonging to the said marine establishment called the Indian navy, who shall happen to die in the service of the East-India Company out of the United Kingdom; provided that such laws and regulations, so far as the nature and circumstances of the different cases will permit, shall, in principle and substance, be conformable to and in extent of benefit shall not exceed the provisions herein-before contained respecting the administration of the effects of officers and soldiers so dying in service as aforesaid; and for the purpose of distribution of the surplus of the effects of such officers, engineers, soldiers, marines, seamen, and all others belonging to the said Indian navy, under any such laws and regulations, in cases in which their legal representatives shall not be in India, such surplus shall be remitted to the Court of Directors of the said Company in London; and in all cases in which the same shall not exceed fifty pounds it shall be lawful for the said Court of Directors to order and direct the payment and distribution thereof to the parties entitled thereto without any probate, letters testamentary or dative, or payment of any duty of stamps upon any legacies or otherwise.

Where troops are serving beyond the jurisdiction of the Court of Requests, actions

LIV. And be it enacted, that in all places where the said Company's forces now are or may be employed, or where any body of her Majesty's forces may be serving with the forces of the said Company, situate beyond the jurisdiction of the Court of Requests established at

of debt, not exceeding 400 Company's rupees, to be cognizable by a military Court.

the cities of Calcutta, Madras, and Bombay respectively, actions of debt, and all personal actions against officers, all persons licensed to act as sutlers to any corps or detachment or at any station or cantonment, all persons resident within the limits of a military cantonment, or other persons amenable to the provisions of this Act, shall be cognizable before a Court of Requests composed of military officers, and not elsewhere, provided the value in question shall not exceed four hundred Company's rupees, and that the defendant was a person of the above description when the cause of action arose, which Court the commanding officer of any station or cantonment is hereby authorized and empowered to convene; and the said Court shall in all practicable cases consist of five commissioned officers, and in no instance of less than three, and the president thereof shall in all practicable cases be a field officer, and in no case be under the rank of a captain, and every member having served five years as a commissioned officer; and the president and members assisting at any such Court, before any proceedings to be had before it, shall take the following oath upon the Holy Evangelists, which oath shall be administered by the president of the Court to the other members thereof, and to the president by any member having first taken the oath; (that is to say,)

Composition and constitution of the Court prescribed;

"I swear, that I will duly administer justice according to "the evidence in the matters that shall be brought before me.

"So help me God."

And every witness before any such Court shall be examined on oath, which such Courts are hereby authorized to administer, or if natives of the East-Indies, on oath or solemn declaration, as the circumstances of the case may require; and it shall be competent for such Courts, upon finding any debt or damage due, either to award execution thereof generally, or to direct that the whole or any part thereof shall be stopped and paid over to the creditor out of any pay or public money which may be coming to the debtor in the current or any future month, or to be paid by instalment on sufficient security; and in case the execution shall be awarded generally, the debt, if not paid forthwith, shall be levied by seizure and public sale of such of the debtor's goods as may be found within the camp, garrison, or cantonment, under a written order of the commanding officer grounded on the judgment of the Court; and the goods of the debtor, if found within the limits of the Company's garrison or cantonment to which the debtor shall belong at any subsequent time, shall be liable to be seized and sold in satisfaction of any remainder of such debt or damages; and if sufficient goods shall not be found within the limits of the camp, garrison, or cantonment, then any public money, or any sum not exceeding the half-pay accruing to the debtor, shall be stopped in liquidation of such debt or damage; and if such debtor shall not receive pay as an officer or from any public department, but be a sutler, servant or follower, he shall be arrested by like order of the commanding officer, and imprisoned in some convenient place within the military boundaries for the space of two months, unless the debt be sooner paid.

and its powers defined.

Punishment for giving false testimony.

LV. And be it enacted, that any person wilfully and knowingly giving false testimony on oath or solemn declaration, or affirmation, in any case wherein an oath or solemn declaration is required to be made, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted shall be liable to such pains and penalties as by any law in force in India any persons convicted of wilful and corrupt perjury are subject and liable to; and every commissioned officer convicted before a general Court-martial of perjury shall be cashiered; and every soldier or other person amenable to the provisions of this Act found guilty thereof shall be punished at the discretion of a general or regimental Court-martial.

LVI. And be it enacted, that any action which shall be brought against any person for any thing to be done in pursuance of this Act shall be brought within six months, and it shall be lawful for every such person to plead thereunto the general issue of not guilty, and to give all special matter in evidence to the jury which shall try the issue; and if the verdict shall be for the defendant in any such action, or the plaintiff therein become nonsuited, or suffer any discontinuance thereof, the Court in which the said matter shall be tried shall allow unto the defendant treble costs, for which the said defendant shall have the like remedy as in other cases where costs by the laws of this realm are given to defendants; and every action against any person for any thing to be done in pursuance of this Act, or against any member or minister of a Court-martial in respect of any sentence of such Court, or of any thing done by virtue or in pursuance of such sentence, shall be brought in some of the Courts of Record at the presidency under which such person is serving, or in the Courts of Record at Westminster, or in Dublin, or the Court of Session in Scotland, and in no other Court whatsoever.

Limitation of actions.

Modes of procedure.

LVII. And be it enacted, that all penalties by this Act imposed for persuading or procuring any soldier to desert may and shall be sued for and be recoverable in any Court of Record at the presidency under which such offender shall be resident; provided that no action shall be brought or prosecution carried on by virtue of this Act for the penalties aforesaid, unless the same be commenced within six months after the offence is committed.

Mode of recovering penalties for procuring desertion.

LVIII. Provided always, and be it enacted, that nothing in this Act contained shall in any manner affect her Majesty's royal prerogative of mercy.

Not to affect the royal prerogative.

LIX. And be it enacted, that this Act shall commence and take effect from and after the first day of January one thousand eight hundred and forty-one, except where any other commencement is particularly directed; and that from after such day all powers and provisions contained in the said Act of the fourth year of the reign of his late Majesty King George the Fourth shall cease and determine, and that the said Act shall be and is hereby repealed.

Commencement of this Act and repeal of former Act.

SCHEDULE to which this Act refers.

Form of Oaths to be taken by the President and Members of Courts-Martial.

You shall well and truly try and determine, according to the evidence in the several cases and matters which shall be brought before you, upon the general Court-martial now assembled. So help you God.

I, *A. B*, do swear, that I will duly administer justice as a member of the general Court-martial now assembled, upon the several cases and matters which shall be brought before the same, according to the rules and articles for the better government of the forces of the East-India Company, and according to an Act of Parliament now in force for the punishment of mutiny and desertion of the said forces, and other crimes therein mentioned, without partiality, favour, or affection; and if any doubt shall arise which is not explained by the said articles or Act, according to my conscience, the best of my understanding, and the custom of war in the like cases: and I further swear, that I will not divulge any sentence of the Court until it shall be duly approved or published in general orders: and I further swear,

that I will not, upon any account, or at any time whatsoever, disclose or discover any vote or opinion of any particular member of the Court-martial, unless required to give evidence thereof as a witness by a Court of Justice or a Court-martial in due course of law.

So help me God.

Form of Oath to be taken by the Judge Advocate or Person officiating as such.

I, do swear, that I will not, upon any account whatsoever, disclose or discover any vote or opinion of any particular member of the Court-martial, unless required to give evidence thereof as a witness by a Court of Justice or Court-martial in due course of law.

So help me God.

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3 & 4 VICTORIÆ. Cap. LVI.

An Act *further to regulate the Trade of Ships built and trading within the Limits of the East-India Company's Charter.* [*7th August*, 1840.

55 G. 3, c. 116. Whereas by an Act passed in the fifty-fifth year of the reign of his late Majesty King George the Third, intituled, "An Act to make further Regulations for the Registry of Ships built in India," it was enacted, that nothing in that, or in the therein-recited Acts, or in any other Act contained, should subject any ship or vessel built or to be built within the limits of the Charter of the East-India Company, which should not be of the burthen of three hundred and fifty tons, or any ship or vessel built within the limits of the Charter of the said Company, then the property of any of his said Majesty's subjects within the limits aforesaid, and employed in trade as theretofore, solely within the said limits including the Cape of Good Hope, or any ship or vessel which then was, or at any time before the first day of January in the year one thousand eight hundred and sixteen should be, building within the limits aforesaid, on account of any of his said Majesty's subjects within the said limits, and should be employed in trade solely within the said limits, including the Cape of Good Hope, to any penalty, forfeiture, disability, or impediment, by reason of such ship or vessel not being registered, and not being British-built, or to affect the property or any transfer of property in any such ship or vessel as aforesaid which should not be registered: and whereas by an Act
4 G. 4, c. 41. passed in the fourth year of his late Majesty King George the Fourth, intituled "An Act for
4 G. 4, c. 80. the registering of Vessels," and by another Act passed in the same session, intituled, "An Act to consolidate and amend the several Laws now in force with respect to Trade from and to places within the Limits of the Charter of the East-India Company, and to make further Provisions with respect to such Trade; and to amend an Act of the present Session of Parliament, for the Registry of Vessels, so far as it relates to vessels registered in India," the said recited Act of the fifty-fifth year of King George the Third was repealed: and
3 & 4 W. 4, c. 59. whereas by an Act passed in the session held in the third and fourth years of the reign of King William the Fourth, intituled, "An Act to regulate the Trade of the British Possessions abroad," it was among other things enacted, that all ships built at any place within the limits of the East-India Company's Charter prior to the first of January, one thousand eight hundred and sixteen, and which then were and had continued ever since to be solely the property of his Majesty's subjects, should be deemed to be British ships for all the purposes of

trade within the said limits: including the Cape of Good Hope: and whereas under and by virtue of an Act passed in the same session, intituled, "An Act for the Registering of British Vessels," ships or vessels built in any ports in the territories under the government of the said Company, being owned by British subjects, and being registered in manner therein provided for, are entitled to all the privileges and advantages of a British registered ship; but it is expedient further to regulate the trade of ships built and trading within the limits of the East-India Company's Charter, including the Cape of Good Hope and the territories and dependencies thereof, and in the mean time to restore to the ships or vessels so described as aforesaid in the said recited Act of the fifty-fifth year of King George the Third the enjoyment of the privileges to which they were thereby entitled; and it is fit that indemnity should be afforded in respect of the consequences of the repeal of such privileges by the said Acts of the fourth year of King George the Fourth or either of them: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in the mean time and until such declaration by proclamation shall be made by the Governor-general in Council as herein-after is authorized, as well all ships mentioned in the said enactment contained in the said first-recited Act of King William the Fourth, as also all other ships or vessels so as aforesaid described in the said Act of the fifty-fifth year of the reign of King George the Third shall have and enjoy the same privileges as were thereby given to such ships or vessels.

3 & 4 W. 4, c. 55.

Until proclamation, all vessels to be entitled to privileges given by 55 G. 3, c. 116.

II. And be it enacted, that for all purposes of indemnity and discharge from all actions, suits, prosecutions, penalties, forfeitures, disabilities, or impediments, and for all purposes of confirming and giving validity to all sales, assignments, mortgages, contracts, engagements, bonds, policies of assurance, gifts, bequests, rights, titles, interests, matters, and things whatsoever, which but for the said recited repeal of the said privileges, would have been valid and effectual in law, and for all other beneficial purposes whatever, this Act shall have the same force and effect as if the said Act of the fifty-fifth year of the reign of King George the Third had never been repealed.

This Act to have the same force as 55 G. 3, c. 116.

III. And be it enacted, that it shall be lawful for the Governor-general of India in Council, by proclamation, to declare that all ships or vessels, built or to be built within the limits of the Charter of the East-India Company, being owned by her Majesty's subjects for whom the said Governor-general in Council has power to legislate, and belonging, under the regulations herein-after provided for, to any ports in the territories under the government of the said Company, shall be deemed to be British ships for all the purposes of trade within the said limits, including the Cape of Good Hope and the territories and dependencies thereof; provided that upon such declaration being made, the said Governor-general in Council shall and the said Governor-general in Council is hereby accordingly empowered to make regulations, to be enforced by suitable penalties, concerning the registering, licensing, and ascertaining the admeasurement of the tonnage and burden, and generally for the trading within the limits aforesaid of such ships or vessels, any thing in any Act to the contrary notwithstanding; which regulations shall be of equal force and effect with any laws and regulations which the said Governor-general in Council is authorized to make, but shall be subject to disallowance and repeal, and shall in the same manner be transmitted to England, and be laid before both Houses of Parliament, as in the case of any other laws or regulations which the said Governor-general in Council is now by law empowered to make.

Governor-general enabled to declare what ships shall be considered as British.

Ships belonging to Native powers may be admitted to privileges of British ships.

IV. And whereas it may be expedient to admit to similar privileges and advantages any ships or vessels belonging to native princes or states in subordinate alliance with, or having subsidiary treaties with the East-India Company, or owned by subjects of any such princes or states; be it therefore enacted, that the Governor-general of India in Council may by such regulations as aforesaid, such regulations being subject as aforesaid, admit to the privileges and advantages of British ships, for the purposes of trade within the limits of the Charter of the said Company, including the Cape of Good Hope, and the territories and dependencies thereof, or to any of such privileges and advantages, any ships or vessels belonging to such princes or states or any of them, or owned by subjects of any such princes or states; but any such regulations shall provide for the granting to such ships or vessels fit and convenient licences or passes, and generally for the trading within the limits aforesaid of such ships or vessels.

Giving legal validity to acts of Governors of presidencies for regulating trade.

V. And whereas vessels exceeding the burden of three hundred and fifty tons, built in ports within the limits of the East-India Company's Charter since the first day of January, one thousand eight hundred and sixteen, and owned by British subjects, and vessels built in ports within the limits aforesaid, owned by native princes or states in subordinate alliance with, or having subsidiary treaties with the East-India Company, or by the subjects of such princes or states, may have heretofore engaged and may be now engaged in trade within such limits, under some licence, authority, or sanction of the respective governments of the several presidencies in India; and it is expedient that full legal validity and effect should be given to all Acts of the said Government respectively in reference to any trading; be it therefore enacted, that all Acts and documents whatever, done, given, or issued by any of the said Governments in reference to the trading of the two classes of vessels last herein-before mentioned, shall be deemed and construed to have had for all purposes full legal validity and effect from the respective times when such Acts and documents may have been done, given, or issued respectively, and shall for all purposes continue to have such validity and effect until the Governor-general of India in Council shall make other provisions in respect of the trading of such classes of vessels respectively under the authority of this Act.

Provisions of Act for registering British vessels to have full force in East-Indian territories.

VI. And whereas doubts have been entertained whether the provisions and remedies enacted and contained in an Act passed in the session held in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled, "An Act for the Registering of British vessels," in cases of the wilful detention and refusal to deliver up the certificate of the registry of any ship or vessel to the proper officer or other persons authorized and entitled in that behalf, as in the said last-mentioned Act is specified, extend to and are in force in the territories under the government of the East-India Company; and it is expedient that such doubts should be removed; be it therefore declared and enacted, that the said several provisions and remedies in the said last-mentioned Act contained, touching the wilful detention of such certificate of registry, or the absconding of any person in possession of the same, shall be deemed and taken to extend to, and shall extend to and be in force in the said territories under the government of the East-India Company.

Matters directed to be performed before Governors of any particular place may be performed in presence of Governor-general of India, &c.

VII. And be it enacted, that wherever in and by the said Act it is directed or provided that any act, matter, or thing shall and may be done or performed by, to, or with the Governor, Lieutenant-governor, or Commander-in-chief of any place where any ship or vessel may be registered under the authority of the same Act, the same shall or may be done or performed

in the territories under the government of the East-India Company, by, to, or with the Governor-general of India in Council, or the Governor of the presidency of Fort William in Bengal, or the respective Governors in Council or Governors of the presidencies of Fort Saint George and Bombay, or the Governor of Prince of Wales' Island, Singapore, and Malacca, or the respective resident councillors at Singapore and Malacca, according to circumstances, and as the case may be.

VIII. And be it enacted, that in all cases in which by the said last-mentioned Act it is made lawful for any governor, lieutenant-governor, or commander-in-chief of any of her Majesty's colonies, plantations, islands, or territories, and they are thereby authorized and required, if any suit, information, libel, or other prosecution or proceeding, of any nature or kind whatever, shall have been commenced or shall hereafter be commenced in any Court whatever in any of the said colonies, plantations, islands, or territories respectively, touching the force and effect of any register granted to any ship or vessel, upon a representation made to any such governor, lieutenant-governor, or commander-in-chief, to cause all proceedings thereon to be stayed, as in the said last-mentioned Act is provided, it shall be lawful, in the territories under the government of the East-India Company, for the Governor-general of India in Council, or the Governor of the said presidency of Fort William in Bengal, or for the respective Governors in Council or Governors of the said presidencies of Fort Saint George and Bombay, or the Governor of Prince of Wales' Island, Singapore, and Malacca, according to circumstances, and as the case may be, and they are respectively authorized and required, if any such suit, information, libel, or other prosecution or proceeding whatever shall have been commenced or shall hereafter be commenced in any of her Majesty's Courts whatever, in or in any place subordinate to the said several presidencies, or the government of Prince of Wales' Island, Singapore, and Malacca respectively, touching the force and effect of any register granted to any ship or vessel, upon a representation made to any such Governor-general of India in Council, or Governor of the said presidency of Fort William in Bengal, or Governors in Council or Governors of the said presidencies of Fort Saint George and Bombay respectively, or such Governor of Prince of Wales' Island, Singapore, and Malacca, according to circumstances, and as the case may be, to cause all proceedings thereon to be stayed, if he shall see just cause so to do, until her Majesty's pleasure shall be known and certified to him by her Majesty, by or with the advice of her Majesty's Privy Council: and such Governor-general of India in Council, or Governor of the said presidency of Fort William in Bengal, or Governor in Council or Governor of the said presidencies of Fort Saint George and Bombay respectively, or such Governor of Prince of Wales' Island, Singapore, and Malacca respectively, is hereby required to transmit to the Court of Directors of the East-India Company, to be by them forthwith forwarded to the President of the Board of Commissioners for the affairs of India, to be laid before her Majesty in Council, an authenticated copy of the proceedings in every such case, together with his reasons for causing the same to be stayed, and such documents properly verified as he may judge necessary for the information of her Majesty.

For staying proceedings in certain cases.

IX. And be it enacted, that the term "Limits of the East-India Company's Charter" shall for all purposes of this Act be construed to mean all places and seas eastward of the Cape of Good Hope to the Straits of Magellan.

Construction of term.

3 & 4 VICTORIÆ. Cap. LXXX.

An Act *to continue until the First Day of March, One thousand eight hundred and forty-five, and from thence to the End of the next Session of Parliament, the several Acts relating to Insolvent Debtors in India.* [*7th August*, 1840.]

Whereas an Act was passed in the ninth year of the reign of his late Majesty King George
9 G. 4, c. 73. the Fourth, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies until the First day of March, One thousand eight hundred and thirty three:" and whereas a certain other Act was passed in the second year of the reign of his late Majesty
2 & 3 W. 4, c. 43. King William the Fourth, intituled, "An Act to continue until the first day of March, One thousand eight hundred and thirty-six, an Act of the Ninth Year of his late Majesty, for the Relief of Insolvent Debtors in India," whereby the said first-mentioned Act was continued in force until the first day of March, one thousand eight hundred and thirty-
4 & 5 W. 4, c. 79. six: and whereas a certain other Act was passed in the fifth year of the reign of his said late Majesty King William the Fourth, intituled, "An Act to amend the Law
6 & 7 W. 4, c. 47. relating to Insolvent Debtors in India:" and whereas by an Act passed in the session held in the sixth and seventh years of the reign of his said late Majesty King William the Fourth, the first-mentioned Act, as amended by the said last-mentioned Act, was continued in force until the first day of March, one thousand eight hundred and thirty-nine, and from thence to the end of the then next session of Parliament: and whereas it is expedient that the said first-mentioned Act, as amended by the said Act of the fifth year of the reign of his late Majesty King William the Fourth, should be further continued; be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the
Acts continued for a further period. authority of the same, that the said Acts of the ninth year of the reign of King George the Fourth and the fifth year of the reign of King William the Fourth shall be and the same are hereby continued until the first day of March, one thousand eight hundred and forty-five, and from thence until the end of the then next session of Parliament.

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3 & 4 VICTORIÆ. Cap. LXXXII.

An Act *for further amending the Act for abolishing Arrest on Mesne Process in Civil Actions.* [*7th August*, 1840.]

1 & 2 Vict. c. 110. Whereas by an Act passed in the second year of the reign of her Majesty, intituled, "An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Laws for the Relief of Insolvent Debtors in England," it was amongst other things enacted, that if any person against whom any judgment should have been entered up in any of her Majesty's superior Courts at Westminster should have any government stock, funds, or annuities, or any stock or shares of or in any public Company in England (whether incorporated or not), standing in his name in his own right, or in the name of any person in trust for him, it should be lawful for a Judge of one of the superior Courts, on the application of

any judgment creditor, to order that such stock, funds, annuities, or shares, or such of them, or such part thereof respectively, as he should think fit, should stand charged with the payment of the amount for which judgment should have been so recovered, and interest thereon, and such order should entitle the judgment creditor to all such remedies as he would have been entitled to if such charge had been made in his favour by the judgment debtor; provided that no proceedings should be taken to have the benefit of such charge until after the expiration of six calendar months from the date of such order: and whereas doubts have been entertained whether the said provisions extend to the cases herein-after mentioned: now therefore be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the aforesaid provisions of the said Act shall be deemed and taken to extend to the interest of any judgment debtor, whether in possession, remainder, or reversion, and whether vested or contingent, as well in any such stocks, funds, annuities, or shares as aforesaid, as also in the dividends, interest, or annual produce of any such stock, funds, annuities, or shares; and whenever any such judgment debtor shall have any estate, right, title, or interest, vested or contingent, in possession, remainder, or reversion, in, to, or out of any such stocks, funds, annuities, or shares as aforesaid which now are or shall hereafter be standing in the name of the Accountant-general of the Court of Chancery, or the Accountant-general of the Court of Exchequer, or in, to, or out of the dividends, interest, or annual produce thereof, it shall be lawful for such Judge to make any order as to such stock, funds, annuities, or shares, or the interest, dividends, or annual produce thereof, in the same way as if the same had been standing in the name of a trustee of such judgment debtor: provided always, that no order of any Judge as to any stock, funds, annuities, or shares standing in the name of the Accountant-general of the Court of Chancery or the Accountant-general of the Court of Exchequer, or as to the interest, dividends, or annual produce thereof, shall prevent the Governor and Company of the Bank of England, or any public company, from permitting any transfer of such stocks, funds, annuities, or shares, or payment of the interest, dividends, or annual produce thereof, in such manner as the Court of Chancery or the Court of Exchequer respectively may direct, or shall have any greater effect than if such debtor had charged such stock, funds, annuities, or shares, or the interest, dividends, or annual produce thereof, in favour of the judgment creditor, with the amount of the sum to be mentioned in any such order.

Provisions of recited Act as to property of judgment debtors defined and extended.

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3 & 4 VICTORIÆ. Cap. LXXXIII.

An Act *to continue, until the First Day of January, One thousand eight hundred and forty-three, an Act of the last Session of Parliament, for amending and extending the Provisions of an Act of the first year of her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the operation of the Laws relating to Usury.* [*7th August*, 1840.]

Whereas an Act was passed in the second and third years of her present Majesty, intituled, "An Act to amend and extend until the first day of January, One thousand eight hundred and forty-two, the Provisions of an Act of the first year of her present Majesty, for

2 & 3 Vic. c. 37.

exempting certain Bills of Exchange and Promissory Notes from the operation of the Laws relating to Usury:" and whereas the duration of the said recited Act was limited to the first day of January, one thousand eight hundred and forty-two, and it is expedient that the same should be continued for a longer period: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said recited Act shall be continued until the first day of January, one thousand eight hundred and forty-three.

Recited Act continued until 1st January, 1843.

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3 & 4 VICTORIÆ. Cap. XCVI.

An Act *for the Regulation of the Duties of Postage.*

[*10th August,* 1840.]

Letters to be charged by weight.

II. And be it enacted, that letters transmitted by the post shall be charged by weight according to the following scale, and that the several numbers of rates of postage herein-after set forth shall be charged by and be paid to her Majesty's Postmaster-general for the use of her Majesty, on letters transmitted by the post; (that is to say,)

On every letter not exceeding half an ounce in weight, one rate of postage:

On every letter exceeding half an ounce and not exceeding one ounce in weight, two rates of postage:

On every letter exceeding one ounce and not exceeding two ounces in weight, four rates of postage:

On every letter exceeding two ounces and not exceeding three ounces in weight, six rates of postage:

And on every letter exceeding three ounces and not exceeding four ounces in weight, eight rates of postage:

And for every ounce in weight above the weight of four ounces there shall be charged and taken two additional rates of postage, and every fraction of an ounce above the weight of four ounces shall be charged as one additional ounce.

Colonial Letters by Packet-Boat.

Colonial letters.

VI. And be it enacted, that on all letters not exceeding half an ounce in weight, transmitted by packet-boat between the United Kingdom and her Majesty's Colonies, or between any of her Majesty's Colonies through the United Kingdom, (including letters to and from the East-Indies by any of her Majesty's Mediterranean packet-boats to and from the United Kingdom *viâ* Syria or Egypt, but not including letters sent through France,) there shall be charged and paid the several rates of British postage herein-after mentioned and specified; (that is to say,)

Between any place within the United Kingdom, wherever situate, and any port in her Majesty's Colonies, one uniform rate of one shilling, and between any of her Majesty's Colonies through the United Kingdom, one uniform rate of two shillings.

And on all such letters, if exceeding half an ounce in weight, there shall be charged and paid progressive and additional rates of postage, according to the scale of weight and

number of rates herein-before contained, each additional rate being estimated at one shilling or two shillings, according as such letter shall be chargeable under this enactment, if not exceeding half an ounce in weight.

Ship Letters.

VII. And be it enacted, that the Postmaster-general may collect and receive letters to forward by vessels not packet-boats to places beyond the seas, and may forward the same accordingly, and may collect and receive letters brought by any such vessels from places beyond the seas. Ship letters.

VIII. And be it enacted, that on all letters not exceeding half an ounce in weight, transmitted by vessels not packet-boats between the United Kingdom and any place beyond the seas, including Ceylon, the Mauritius, the Cape of Good Hope, and the East-Indies, or between any places beyond the seas through the United Kingdom, there shall be charged and paid for British postage the rates following; (that is to say,) Rates of postage on ship letters.

Between the United Kingdom and any place beyond the seas, at whatever place within the United Kingdom the letters may be posted or delivered, one uniform rate of eightpence, and between any places beyond the seas through the United Kingdom, one uniform rate of one shilling and four-pence.

And on all such letters, if exceeding half an ounce in weight, there shall be charged and paid additional rates of postage, according to the scale of weight and number of rates herein-before contained, estimating and charging each additional rate at eightpence or one shilling and four-pence, according as such letters shall be chargeable under this enactment, if not exceeding half an ounce in weight.

Foreign Letters.

IX. And be it enacted, that on all letters transmitted by the post between the United Kingdom and foreign parts, or between any of the places out of the United Kingdom mentioned in the schedule to this Act annexed, there shall be charged and paid the several rates of British postage mentioned and specified in such schedule. Foreign letters.

X. And be it enacted, that all letters brought into the United Kingdom by packet-boats (whether in a mail bag or not) shall be chargeable with packet postage. Letters by packet-boat.

XI. And be it enacted, that on all printed votes and proceedings of the Imperial Parliament forwarded by the post between places in the United Kingdom, or posted in any post town of the United Kingdom, addressed to persons or places within such town, or the suburbs thereof, and on all printed votes and proceedings of the Imperial Parliament sent to any of her Majesty's colonies by packet-boat, and on all printed votes and proceedings of the Colonial Legislatures sent to the United Kingdom from the colonies by packet-boat (but not through France nor to the East-Indies by her Majesty's Medditeranean packet-boats *viâ* Syria or Egypt), there shall be charged and paid the rates of British postage following (1); * * * Postage on Parliamentary proceedings.

(1) [The reduced rates at which the papers and proceedings referred

to are to be charged are omitted, as it will be seen that they do not apply to such papers when transmitted by the packet communication with India. To direct attention to this fact, the former part of the section is inserted.]

Stamped covers.

XII. And be it enacted, that all letters posted in any town or place within the United Kingdom shall, if written on stamped paper or enclosed in stamped covers, or having a stamp or stamps affixed thereto, and all printed votes and proceedings of the Imperial Parliament, and all newspapers which shall be liable to postage under this Act, shall, if posted in any town or place within the United Kingdom and enclosed in stamped covers, or having a stamp or stamps affixed thereto, (the stamp or stamps in every such case being affixed or appearing on the outside, and of the value or amount herein-after expressed and specially provided under the authority of this Act or of the said recited Act, and if the stamp shall not have been used before,) pass by the post free of postage, as herein-after mentioned; (that is to say,)

In case any such letters shall be posted in and addressed to any place within the United Kingdom, the stamp or stamps thereon shall be equal in value or amount to the rates of postage to which such letters would be liable under this Act if pre-paid:

In case any such letters shall be addressed to any other of the British dominions or colonies, or to any foreign country, the stamp or stamps thereon shall be equal in value or amount to the rates of British postage to which such letters would have been liable under this Act:

And on all such printed votes and proceedings of Parliament and newspapers the stamp or stamps shall be equal in value or amount to the rates of postage to which such votes or proceedings or newspapers would have been liable under this Act:

And that in all cases in which the same shall be necessary, in order to place on any such letters, printed votes or proceedings of Parliament, and newspapers, the full amount of stamps hereby required as aforesaid, there shall be affixed thereto such a number of adhesive stamps as alone or in combination with the stamp on such letters or packets, or on the envelope or cover thereof, will be equal in amount to the rate of postage to which such letters, printed votes or proceedings of Parliament, and newspapers would be liable under this Act.

Postage on packet-boat letters may be demanded from the sender.

XXXIV. And be it enacted, that it shall be lawful for her Majesty's Postmaster-general to require the postage from time to time payable for letters transmitted by packet-boats or private ships between places out of the United Kingdom to be paid by the sender on the tender or delivery of such letters at the Post-office, or other place appointed by the Postmaster-general for the receipt of such letters.

Letters of owners of vessels.

XXXV. And be it enacted, that the owners, charterers, or consignees of vessels inward-bound, and the owners, consignees, or shippers of goods on board vessels inward-bound, shall have their letters by such vessels free from postage (except as herein-after mentioned) if delivered at the port of the ship's arrival; and if delivered at any other place within the United Kingdom, on payment of the postage, as on pre-paid inland letters, according to the scale of weight and number of rates herein-before mentioned, from the port of arrival to the place of

delivery, and if delivered in any of her Majesty's Colonies, on payment of the colonial rates of postage to which letters in such Colony may be liable, on conveyance from such port of arrival to the place of delivery, provided the letters brought by any one vessel to any one such person shall not collectively exceed six ounces in weight (except in the case of letters brought by vessels coming from Ceylon, the Mauritius, the East-Indies, the Cape of Good Hope, into any port of the United Kingdom, for an owner, charterer, or consignee of such vessel, in which case they may be collectively twenty ounces in weight), and the owner, charterer, or consignee shall be described as such on the address and superscription; and in the case of owners, shippers, or consignees of goods, it shall also appear by the ship's manifest that they have goods on board the vessel; and the persons hereby exempted shall be entitled to have their letters which come within the above conditions before the master of the vessel delivers the other letters in his charge to the Post-office: provided nevertheless, that all ship letter gratuities payable by law to masters of vessels bringing any such letters shall in all cases be paid to the Post-office by the parties to whom the same may be addressed (in addition to any postage payable thereon) before delivery of such letters to the parties entitled to receive the same, whether such letters shall be delivered at the port of arrival of such vessel or elsewhere.

Gratuities to masters of vessels.

XXXVI. And for encouraging masters of vessels, not being Post-office packets, to undertake the conveyance of letters; be it enacted, that the Postmaster-general may allow to masters of vessels, on letters and newspapers conveyed by them for or on behalf of the Post-office between places within the United Kingdom, a sum not exceeding two shillings and sixpence for each and every number of one hundred of such letters and newspapers, and for any less number in the like proportion, and may allow to the masters of vessels bound from the United Kingdom to the East-Indies a sum not exceeding one penny for each letter, and one halfpenny for each newspaper conveyed by them for or on behalf of the Post-office, and may allow to the masters of all other vessels a sum not exceeding two-pence for each letter conveyed by them for or on behalf of the Post-office from the United Kingdom to places beyond sea, and may allow to the masters of all vessels not exceeding two-pence for each letter brought into the United Kingdom, which they shall deliver at the Post-office at the first port at which they touch or arrive, or with which they communicate, (all which gratuities may be paid at such times and places, and under all such regulations and restrictions, as the Postmaster-general shall in his discretion think fit); and every master of a vessel outward-bound shall receive on board his vessel every post letter-bag tendered to him for conveyance, and having received the same, shall deliver it, on his arrival at the port or place of his destination, without delay; and every master of a vessel inward-bound shall cause all letters on board his vessel (except those belonging to the owners of the vessel, or of the goods on board, which do not exceed the prescribed weights,) to be collected and enclosed in some bag or other envelope, and to be sealed with his seal, and to be addressed to any of her Majesty's Deputy Postmasters, that they may be in readiness to send on shore by his own boat, or by the pilot boat, or by any other safe or convenient means, in order that the same may be delivered at the first regular Post-office which can be communicated with; and at the regular port or place where the vessel shall report, shall sign a declaration in the presence of the person authorized by the Postmaster-general at such port or place, who shall also sign the same, and the declaration shall be in the form or to the effect following, (that is to say,)

Masters of outward-bound vessels to receive letters, and to deliver them at the first port of arrival.

Declaration to be made by masters.

" I., *A.B.*, commander of the [*state the name of the ship or vessel,*] arriving from [*state,* " *the place*], do, as required by law, solemnly declare, that I have, to the best of my " knowledge and belief, delivered or caused to be delivered to the Post-office every letter

"bag, package, or parcel of letters that were on board the [*state the name of the ship*], "except such letters as are exempted by law."

Officers of Customs not to allow vessels to report before declaration made.

And no collector, controller, or principal officer of the Customs shall permit such vessel to report till such declaration shall be made and produced; and no vessel shall be permitted by any officer of the Customs to break bulk, or to make entry in any port of the British dominions, until all letters on board the same shall be delivered to the Post-office, where posts are or hereafter may be established, and from whence such letters may be despatched by post, except such letters, commissions, and other matters and things as are exempted by the Post-office Acts from the exclusive privilege of the Postmaster-general, and also except all such letters as shall be brought by a vessel liable to the performance of quarantine, all which last-mentioned letters shall be delivered by the person having possession thereof to the persons appointed to superintend the quarantine, that all proper precautions may be by them taken before the delivery thereof; and when due care has been had therein, the said letters shall be by them despatched in the usual manner by the post; and the principal officer of Customs at every port shall search every vessel for letters which may be on board contrary to the Post-office Acts, and may seize all such letters and forward them to the nearest Post-office; and the officer who shall so seize and send them shall be entitled to a moiety of the penalties which may be recovered for any such offence; and in case an officer of her Majesty's Customs shall find a letter superscribed as the letter of an owner or charterer, or consignee or shipper, exceeding the weight herein-before limited, then the officer shall seize so many of the letters as shall reduce the remainder within the proper weight, and he shall take the same to the nearest Post-office, and the Postmaster of the place shall pay to the officer delivering the same any sum the Postmaster-general, with the consent of the Lords of the Treasury, may think fit, not exceeding two shillings and sixpence for every post letter so seized; and the Postmaster-general may appoint any person to demand from the masters of vessels arriving at or off a port of the United Kingdom, all letters on board the same not exempted by the Post-office Acts; and the master of any such vessel shall forthwith deliver all such letters on board to such person, on his demanding the same.

Certain penalties under 7 W. 4 and 1 Vic. c. 34 & 36, further extended.

XXXVIII. And be it enacted, that the penalty which, by an Act passed in the first year of the reign of her present Majesty, intituled, "An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the Judicial Administration of the Post Office Laws; and for explaining certain Terms and Expressions employed in those Laws," is imposed on every master of a vessel outward-bound to Ceylon, the Mauritius, the East-Indies, or the Cape of Good Hope, who shall refuse to take a post letter-bag delivered or tendered to him by an officer of the Post-office, shall henceforth extend and apply to the master of every vessel outward-bound who shall refuse to take a post-letter-bag, delivered or tendered to him for conveyance by an officer of the Post-office; and that the penalty which, by the said Act of the first year of the reign of her present Majesty, is imposed on every master of a vessel who shall refuse or wilfully neglect to make the declaration of having delivered his ship letters to the Post-office, as required by an Act passed in the first year of the reign of her present Majesty, intituled, "An Act for the Regulation of the Duties of Postage,"(1) shall henceforth extend and apply to the master of every vessel who shall refuse or wilfully neglect to make the declaration of having delivered his ship's letters to the Post-office, as is required by this Act, and that the penalty by the said first-mentioned Act imposed on every collector, controller, or officer of the Customs, who by the said last-mentioned Act is required to prohibit any vessel reporting until the requisites of

such last-mentioned Act shall have been complied with, and who shall permit such vessel to report before the requisites of such Act shall have been complied with, shall henceforth extend and apply to every collector, comptroller, or officer of the Customs who by this Act is required to prohibit any vessel reporting until the requisites of this Act have been complied with, and who shall permit such vessel to report before the requisites of this Act shall have been complied with.

(1) [The Act here referred to (7 Wm. 4 and 1 Vic. cap. 34) is (with various others) repealed by sec. 68 of this Act; but that section, consisting entirely of repealing clauses, is not inserted in this collection.]

XL. And be it enacted, that petitions and addresses forwarded to her Majesty by the post shall be exempt from postage. Petitions and addresses to her Majesty exempt;

XLI. And be it enacted, that Members of each House of Parliament may receive by the post petitions and addresses to her Majesty, and petitions addressed to either House of Parliament, not exceeding thirty-two ounces in weight, exempt from postage, provided such petitions and addresses be sent without covers, or in covers open at the sides. also petitions to Parliament.

XLII. And be it enacted, that printed newspapers may be sent free of postage, or liable to postage according to the regulations and rates herein-after set forth; (that is to say,) Newspapers.

PRINTED BRITISH NEWSPAPERS.

* * * * * *

Between the United Kingdom and her Majesty's Colonies, as follows:

By packet-boats to any of her Majesty's colonies and possessions beyond the seas (including the East-Indies, by packet-boats from the United Kingdom, *viâ* Syria or Egypt), free:
By private ships, one penny each.

PRINTED COLONIAL NEWSPAPERS,

Brought from the Colonies to the United Kingdom by packet-boats (including newspapers from the East-Indies, by her Majesty's Mediterranean packet-boats), whether directed to a place within the United Kingdom or to any of her Majesty's colonies beyond the seas, to be forwarded from the United Kingdom by-packet boats, free:
Brought from the colonies to the United Kingdom by private ships, addressed to places within the United Kingdom, and delivered by the master at the Post-office, one penny each:
Sent by packet-boat through the United Kingdom to a foreign state (subject to the consent of the Lords of the Treasury), free.

XLIV. And be it enacted, that no printed paper, whether newspaper or votes and proceedings in Parliament, or of the Colonial Legislature, shall be sent by the post, either free or at the aforesaid rates of postage, unless the following conditions shall be observed: Mode of sending newspapers or Parliamentary proceedings.

First, it shall be sent without a cover, or in a cover open at the sides.
Second, there shall be no word or communication printed on the paper after its publication,

or upon the cover thereof, nor any writing or marks upon it or upon the cover of it, except the name and address of the person to whom sent.

Third, there shall be no paper or thing enclosed in or with any such paper.

Fourth, the said printed papers shall be put into the Post-office at such hours in the day, and under all such regulations, as the Postmaster-general may appoint, including therein the payment of postage on such as are going out of the United Kingdom when put into the Post-office, if the Postmaster-general shall so require.

Fifth, all foreign newspapers brought into the United Kingdom under this Act are to be printed in the language of the country from which they shall have been forwarded, unless the Commissioners of her Majesty's Treasury shall in any case direct that any foreign newspapers shall be exempted from the restriction hereby imposed.

* * * * * *

Limitation of time for posting newspapers.

L. And be it enacted, that every British newspaper sent by the post to places out of the United Kingdom shall in all cases be put into a Post-office or receiving-office in the United Kingdom within seven days next after the day on which the same shall be published, the day of publication to be ascertained by the date of such paper; and in case a paper shall be put into a post-office after the expiration of such seven days, the Postmaster-general may either detain the paper, or forward it by post charged with full postage as a letter.

Allowance to masters of vessels for newspapers.

LII. And be it enacted, that the Postmaster-general may allow the masters of vessels, other than packet-boats, a sum not exceeding one penny on every printed newspaper, foreign or colonial, brought into the United Kingdom from a port or place out of the United Kingdom, and delivered by them at the Post-office of the post-town at which they shall touch or arrive, and a sum not exceeding one penny on every printed newspaper conveyed by them for or on behalf of the Post-office from the United Kingdom to any port or place out of the same, in respect of which no gratuity is herein-before authorized to be allowed.

Letters of sailors and soldiers.

LIII. And be it enacted, that the following classes of persons may both send and receive letters, not exceeding half an ounce in weight, by the post, on their own private concerns, at a postage of one penny for each letter; (namely,)

Every seaman employed in her Majesty's navy, whether at home or abroad, whilst such seaman shall be actually employed in her Majesty's service.

Every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in her Majesty's regular forces, militia, fencible regiments, artillery, or royal marines, whether at home or abroad, whilst actually employed in her Majesty's service.

Every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in the service of the East-India Company, whilst actually employed in the service of the Company.

But the letters of commissioned officers or warrant officers, whether in the army or navy, or midshipmen, or masters' mates of the navy, are not included in this provision.

And with respect to letters sent by any such privileged persons, the following conditions shall be observed; (that is to say,) the postage of each letter (unless sent from parts beyond the seas, as herein-after mentioned,) shall be paid (or the letter, if posted within the United Kingdom, shall be duly and properly stamped,) on being put into a Post-office established under the authority of the Postmaster-general; and upon such letter shall be superscribed the name of the writer, and his class or description in the vessel, regiment, corps, or detachment to which he shall belong; and upon every such letter

there shall be written in the handwriting of and signed by the officer having at the time the command of the vessel, or of the regiment, corps, or detachment to which the privileged person belongs, the name of such officer and the name of such vessel, or of such regiment, corps, or detachment.

And with respect to letters received by the post by any of the said privileged persons, the following conditions shall be observed; the postage of each letter (unless sent from parts beyond the seas as herein-after mentioned) shall be paid (or the letter, if posted within the United Kingdom, shall be duly and properly stamped) upon putting it into a Post-office established under the authority of the Postmaster-general, and it shall be directed to the privileged person, specifying on the superscription thereof the vessel, or the regiment, corps, or detachment to which he shall belong; and the deputy-postmaster of the place to which such letter shall be sent to be delivered shall not deliver such letter to any person except the person hereby privileged to whom it shall be directed, or to some person appointed to receive the same, by writing under the hand of the officer in command.

And whenever the letters sent or received by any such privileged persons shall be sent from parts beyond the seas without the said postage of one penny being pre-paid, every such letter shall be charged to the party receiving the same with a rate of two-pence; and any letters received by the post under this enactment by any such privileged persons which may have been re-directed shall not be charged any postage on or in respect of such re-direction.

LIV. And be it enacted, that any such privileged persons may both send and receive letters, not exceeding half an ounce in weight, by private ships, between the United Kingdom and places beyond the seas, on their own private concerns, at the like postage for each letter, and subject to the like conditions and regulations, in all respects, as are herein-before mentioned in respect of letters sent and received by any such privileged persons by the post; but whenever the letters sent or received by any such privileged persons shall be conveyed, or be intended to be conveyed, by private ships, the gratuities payable by law to the masters of such vessels in respect of such letters shall in all cases be paid to the Post-office in addition to such postage.

Privileged persons may send by private ships.

LV. And be it enacted, that the said privilege shall not extend to any letters liable to any foreign rates of postage.

Not to extend to foreign postage.

LXI. And be it enacted, that it shall be lawful for the Commissioners of her Majesty's Treasury to make any reduction or increase or alteration they may consider expedient in the gratuities allowed by this Act to masters of vessels for letters and newspapers conveyed by them for or on behalf of the Post-office, or delivered by them to the Post-office, and to allow and authorize such gratuities for the conveyance of letters and newspapers to masters of vessels passing to or from or between any of her Majesty's Colonies or possessions beyond the seas, as they shall think fit, and also to allow and authorize any gratuities to be paid to pilots, seamen, or others, on the letters and newspapers they may bring to any Post-office from any vessels.

Gratuities to masters of vessels may be altered.

LXXI. And be it enacted, that the following terms and expressions, whenever used in this or any other Post-office Act, shall have the several interpretations herein-after respectively set forth, unless such interpretations are repugnant to the subject, or inconsistent with the context of the provisions in which they may be found: (that is to say,) the term "British newspapers" shall mean newspapers printed and published in the United Kingdom, liable to the stamp duties and duly stamped, and also newspapers printed in the islands of Guernsey, Jersey, Al-

Interpretation clause.

derney, Sark, or Man, although not liable to stamp duties; and the term "inward-bound" shall be held to include vessels bound as well to any port in the United Kingdom as to any port in any of her Majesty's Colonies; and the term "outward-bound" shall be held to include vessels bound as well from any port in the United Kingdom as from any port in her Majesty's Colonies; and that the term "United Kingdom" shall mean the United Kingdom of Great Britain and Ireland, and the Islands of Man, Jersey, Guernsey, Sark and Alderney, and that the term "her Majesty's Colonies" shall include every port and place within the territorial acquisitions now vested in the East-India Company in trust for her Majesty, the Cape of Good Hope, the Island of Saint Helena, the Ionian Islands, and Honduras, as well as her Majesty's other Colonies and possessions beyond the seas (the Islands of Man, Guernsey, Jersey, Alderney, and Sark only excepted); and that the term "by the Post" shall extend to and include the transmission of post letters as well by any general or two-penny or penny or convention post as by packet-boat; and the term "post-town" shall include every city, town, or place where a post-office is or shall be established; and that the several other terms and expressions used in this Act shall be construed according to the respective interpre- 7 W. 4 and 1 Vic. c. 36. tations of the terms and expressions contained in the said Act passed in the first year of the reign of her present Majesty, intituled, "An Act for consolidating the Laws relative to Offences against the Post-office of the United Kingdom, and for regulating the Judicial Administration of the Post-office laws, and for explaining certain Terms and Expressions employed in those Laws,"(1) so far as those interpretations are not repugnant to the subject, or inconsistent with the context of such terms and expressions.

(1) [See a note on the Act referred to.]

Commencement of Act.

LXXII. And be it enacted, that this Act shall come into operation on the first day of September, one thousand eight hundred and forty.

The SCHEDULE to which this Act refers.

On all letters not exceeding half an ounce in weight, transmitted by the post between the United Kingdom and foreign parts, or between any of the places out of the United Kingdom herein-after mentioned, there shall be charged and taken the following rates of British postage; (that is to say,)

* * * * * * *

	s.	d.
Between any part of the United Kingdom, and any place in the East-Indies, *viâ* France, in addition to the Red Sea or Persian Gulf Packet Rate herein-after mentioned	0	10

* * * * * * *

And the rates of British postage for every letter not exceeding half an ounce in weight, transmitted by packet-boats between the places herein-after mentioned, shall be as follows:

* * * * * * *

	s.	d.
Between Suez or Bassora, or any other port in the Red Sea or Persian Gulf, and any port in the East-Indies (letters transmitted by her Majesty's Mediterranean packets to or from the United Kingdom only excepted)	1	0
Between any of the ports or islands or places situate upon the Mediterranean Sea, the Adriatic Sea, the Archipelago, the Black Sea, in Turkey in Europe and Asia, in Spain, Portugal, Italy, France, in the Mediterranean, and upon the		

	s.	d.
Northern Coast of Africa, whether in the Mediterranean or in the Straits of Gibraltar (not having been first brought or conveyed from the United Kingdom, or not being intended to be conveyed to the United Kingdom)	*	*
Between any of the ports or places last aforesaid and any port or place in the East Indies, by way of the Red Sea or the Persian Gulf, in addition to the aforesaid Red Sea or Persian Gulf Packet Rate	0	6

* * * * * * *

And in addition to the foregoing rates, (except on letters between the United Kingdom and France, and between the United Kingdom and Spain, (otherwise than by way of France,) and between the United Kingdom and the United States of America,) there shall be paid on every such letter as aforesaid an inland rate of postage of two-pence for the distance any such letter shall be conveyed within the United Kingdom; and on every letter so transmitted as herein-before mentioned, exceeding half an ounce in weight, there shall be charged and taken progressive and additional rates of British postage, according to the scale of weight and number of rates in this Act contained as to letters, estimating and charging each additional rate at the amount herein-before directed to be charged and taken on every letter so transmitted, not exceeding half an ounce in weight, and charging the inland rate as aforesaid, but so that letters herein rated between London and a place abroad shall not be charged any inland rate for the distance between London and the outport at which the packet-boats conveying the same shall be stationed.

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3 & 4 VICTORIÆ. Cap. CV.

An Act *for abolishing Arrest on Mesne Process in Civil Actions, except in certain cases; for extending the remedies of Creditors against the Property of Debtors; and for the further amendment of the Law and the better advancement of Justice in Ireland.* [10*th August*, 1840.]

LXVI. And whereas great difficulties and delays may be experienced, and sometimes a failure of justice may take place, in actions depending in Courts of law in Ireland, by reason of the want of a competent power or authority in the said Courts to order and enforce the examination of witnesses, when the same may be required, before the trial of a cause: and whereas by an Act passed in the Parliament of Great Britain in the thirteenth year of the reign of his late Majesty King George the Third, intituled, "An Act for the establishing certain Regulations for the better Management of the Affairs of the East-India Company as well in India as in Europe," certain powers are given and provisions made for the examination of witnesses in India in the cases therein mentioned: and whereas by an Act passed in the first year of the reign of his late Majesty King William the Fourth, intituled, "An Act to enable Courts of Law to order the Examination of Witnesses upon Interrogatories, and otherwise," further provisions were made in relation to the examination of witnesses in all colonies, islands, plantations, and places under the dominion of the Crown of England in foreign parts: and whereas it is expedient to extend to Ireland certain provisions of the said two last-mentioned recited Acts; be it therefore enacted, that all and every the powers, authorities, provisions, and matters contained in the said recited Act of the thirteenth year of the reign

13 G. 3, c. 63.

1 W. 4, c. 22.

Powers of the recited Acts extended to all actions in the Courts

at Dublin, when examination by commission shall appear necessary.

of his said late Majesty King George the Third, relating to the examination of witnesses in India, shall be and the same are, with reference to all actions in any of her Majesty's Courts of law at Dublin, hereby extended to all colonies, islands, plantations, and places under the dominion of her Majesty in foreign parts, and to the judges of the several Courts therein, and to all actions depending in any of her Majesty's Courts of law at Dublin, in what place or county soever the cause of action may have arisen, and whether the same may have arisen within the jurisdiction of the Court to the judges whereof the writ or commission may be directed, or elsewhere, when it shall appear that the examination of witnesses under a writ or commission issued in pursuance of the authority hereby given will be necessary or conducive to the due administration of justice in the matter wherein such writ shall be applied for.

Judges to whom the commission is directed empowered to enforce the attendance of witnesses.

LXVII. And be it enacted, when any writ or commission shall issue under the authority of the said last-mentioned Act and of this Act, or of the power herein-before given by this Act, the judge or judges to whom the same shall be directed shall have the like power to compel and enforce the attendance and examination of witnesses as the Court whereof they are judges does or may possess for that purpose in suits or causes depending in such Court.

Costs of writs to be in the discretion of the Court.

LXVIII. And be it enacted, that the costs of every writ or commission to be issued under the authority of the said last-mentioned Act and of this Act, or of the power herein-before given by this Act, in any action at law depending in either of the said Courts at Dublin, and of the proceedings thereon, shall be in the discretion of the Court issuing the same.

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3 & 4 VICTORIÆ. Cap. CVII.

An Act *to continue and amend the Laws for the Relief of Insolvent Debtors in Ireland.* [*10th August*, 1840.]

Whereas it is expedient to continue, for the purposes herein-after mentioned, the laws now in force for the relief of insolvent debtors in Ireland, and to make further provision for the relief of insolvent debtors: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, the powers vested in the Court now established for the relief of insolvent debtors in Ireland shall be, and the same are hereby continued and vested in the Court, to be continued by virtue of this Act as herein-after provided, in so far as the same relate to or may be exercised in the matters of the petitions of any persons who, before the time appointed or the commencement of this Act, shall have petitioned the said Court now established for relief (under the provisions of any Act or Acts for the relief of insolvent debtors in Ireland), or of any persons who have obtained their discharge by virtue of any Act for the relief of insolvent debtors in Ireland; and that all things shall and may be done by all persons, relating to the matters of all such petitions, which such persons might have done if the laws now in force with respect to insolvent debtors in Ireland had been continued by this Act.

Powers now vested in the Court for Relief of Insolvent Debtors continued for the purposes herein mentioned.

The above relates to persons having become insolvent under the previous law. The two sections following refer to insolvent persons subject to the operation of this Act.

XLII. And be it enacted, that if any such prisoner shall, at the time of filing such petition as aforesaid, whether such petition shall have been preferred by himself or by any such creditor as aforesaid, or at any such time before such creditor shall have become entitled to his final discharge according to this Act, have any Government stocks, funds, or annuities, or any of the stock of any public company, either in England, Scotland, or Ireland, standing in his own name in his own right, and for his own benefit, it shall be lawful for the said Court for the Relief of Insolvent Debtors, whenever it shall seem fit so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name of such assignee or assignees as aforesaid, and all such persons whose act or consent is so necessary as aforesaid, are hereby indemnified for all things done or permitted pursuant to such order.

Where the prisoner is beneficially entitled to stock, the Court may order a transfer.

XLIV. And be it enacted, that nothing in this Act contained shall extend to entitle the assignee or assignees of the estate and effects of any such prisoner, being or having been an officer of the army or navy, or an officer or clerk or otherwise employed or engaged in the service of her Majesty in the Customs or Excise, or any civil office or other public department whatsoever, or being or having been in the naval or military service of the East-India Company, or an officer or clerk or otherwise employed or engaged in the service of the Court of Directors of the said Company, or being otherwise in the enjoyment of any pension whatever, under any department of her Majesty's Government, or from the said Court of Directors, to the pay, half-pay, salary, emoluments, or pension of any such prisoner for the purposes of this Act: provided always, that it shall be lawful for the said Court to order such portion of the pay, half-pay, salary, emoluments, or pension of any such prisoner, as on communication from the said Court to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the chief officer of the department to which such prisoner may belong or have belonged, or under which such pay, half-pay, salary, emoluments, or pensions, may be enjoyed by such prisoner, or the said Court of Directors, he or they may respectively under his or their hands, or under the hand of his or their chief secretary or other chief officer for the time being, consent to in writing, to be paid to such assignee or assignees, in order that the same may be applied in payment of the debts of such prisoner; and such order and consent being lodged in the office of her Majesty's Paymaster-general, or of the Secretary of the said Court of Directors, or of any other officer or person appointed to pay or paying any such pay, half-pay, salary, emoluments, or pension, such portion of the said pay, half-pay, salary, emoluments, or pension as shall be specified in such order and consent shall be paid to the said assignee or assignees until the said Court shall make order to the contrary.

Assignees' power not to extend to the pay or pension of naval, military, or civil officers.

Portion of pay or pension may be obtained on application.

CVIII. And be it enacted, that this Act shall, as to all matters not otherwise provided for, commence and come into operation on the first day of November, in the year one thousand eight hundred and forty.

Commencement of Act.

APPENDIX.

PART I.

LETTERS PATENT FROM THE CROWN.

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LETTERS PATENT FROM THE CROWN.

LETTERS PATENT, *establishing a Supreme Court of Judicature at Fort William, in Bengal, bearing Date the twenty-sixth Day of March, in the fourteenth Year of the Reign of George the Third, one thousand seven hundred and seventy-four.*

[It will be seen from various parts of these Letters Patent that the jurisdiction of this Court was originally limited to the provinces of Bengal, Bahar, and Orissa. By 39 & 40 Geo. 3, cap. 79, sec. 20, it was extended to Benares, and to all factories, districts, and places, subject to the presidency of Fort William in Bengal. By 33 Geo. 3, cap. 52, sec. 67, offences committed by British subjects in native states may be tried in any Court in India of competent jurisdiction to try offences committed in the British territories there.]

Recital of Act 13 G. 3.

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland King, Defender of the Faith and so forth: to all to whom these presents shall come, greeting. Whereas by an Act of Parliament, passed in the thirteenth year of our reign, reciting a Charter, bearing date at Westminster the eighth day of January, in the twenty-sixth year of the reign of our Royal Grandfather, King George the Second, of glorious memory, by him granted to the United Company of Merchants of England trading to the East-Indies; thereby, amongst other things, constituting and establishing Courts of civil, criminal, and ecclesiastical jurisdiction, at the said United Company's settlements at Madraspatnam, Bombay, and Fort William in Bengal; and that the said Charter does not sufficiently provide for the due administration of justice, in such manner as the state and condition of the Company's Presidency of Fort William in Bengal, so long as the said Company shall remain in the possession of the territorial acquisitions, therein before-mentioned, do and must require: it is among other things enacted, that it shall and may be lawful for us, by Charter or Letters Patent, under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William in Bengal aforesaid, to consist of a Chief Justice, and three other judges, (1) being barristers of England or Ireland, of not less than five years' standing, with power to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction, and to appoint such clerks, and other ministerial officers of the Supreme Court of Judicature, at Fort William in Bengal, with such reasonable salaries as shall be approved of by the Governor in Council,

therein for that purpose mentioned: and it was therein further enacted, that so much of the said Charter, granted by his said late Majesty, our royal grandfather, as respects or relates to the establishment of the Mayor's Court at Calcutta aforesaid, in Bengal, or to the civil, criminal, or ecclesiastical jurisdiction thereof, in the said United Company's settlement there, or the subordinates thereto belonging, in case a new Charter shall be granted by us, in pursuance of this Act, and shall be openly published at Fort William aforesaid, from and immediately after such publication shall cease, determine, and be utterly void, to all intents and purposes: and it was further enacted, that during such time as the said territorial acquisitions shall remain in the possession of the said Company, the Court of Directors of the said United Company shall, and they are hereby required to direct, and cause to be paid certain and established salaries, to the said Chief Justice, and each of the Judges of such Supreme Court of Judicature, at Fort William in Bengal, as shall be by the said new Charter established, that is to say, to the Chief Justice eight thousand pounds by the year, and to each of the Judges of the said Supreme Court of Judicature, at Fort William in Bengal, six thousand pounds by the year, and that such salaries shall be paid and payable to each and every of them, respectively, for the time being, out of the said territorial acquisitions in the kingdoms of Bengal, Bahar, and Orissa: such salaries to take place and commence, in respect of all such persons who shall be resident in Great Britain at the time of their appointment, from the day on which such persons shall embark from Great Britain;(2) and such salaries to be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever, as by the said Act may more plainly and largely appear.

(1) [By section 1 of 37 Geo. 3, cap. 142, the number of Puisne Judges is reduced to two.]

(2) [By 53 Geo. 3, cap. 155, sec. 89, salaries commence from entry upon office only.]

A Court of Record, to be called the Supreme Court of Judicature.

Now know ye, that we, upon full consideration of the premises, and of our especial grace, certain knowledge, and mere motion, have thought fit to grant, direct, ordain, and appoint, and by these presents we do accordingly, for us, our heirs and successors, grant, direct, ordain, and appoint, that there shall be, within the factory of Fort William at Calcutta, in Bengal, a Court of Record, which shall be called the Supreme Court of Judicature, at Fort William in Bengal; and we do hereby create, direct, and constitute the said Supreme Court of Judicature at Fort William in Bengal, to be a Court of Record.

To consist of a Chief Justice and three Puisne Justices;

their qualification; to be appointed by the King, under the Great Seal. To act during pleasure.

And we do further will, ordain, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal, shall consist of, and be holden by and before one principal judge, who shall be and be called the Chief Justice of the Supreme Court of Judicature at Fort William in Bengal; and three (1) other judges, who shall be and be called the Puisne Justices of the Supreme Court of Judicature at Fort William in Bengal; which said Chief Justice and Puisne Justices shall be barristers in England or Ireland, of not less than five years' standing, to be named and appointed, from time to time, by us, our heirs and successors, by Letters Patent under our and their great seal of Great Britain; and they shall all and every of them hold their said offices, severally and respectively, during the pleasure of us, our heirs and successors, and not otherwise.

(1) [Now two only; see a former note.]

To be Justices of the Peace, and Coroners, in Bengal, Bahar, and Orissa;

and to have such authority as the Justices of the King's Bench in England;

The four, or the majority, to concur.

And it is our further will and pleasure, that the said Chief Justice and the said Puisne Justices shall, severally and respectively, be, and they are, all and every of them, hereby appointed to be Justices and conservators of the peace, and coroners, within and throughout the said provinces, districts, and countries of Bengal, Bahar, and Orissa, and every part thereof; and to have such jurisdiction and authority as our Justices of our Court of King's Bench have and may lawfully exercise, within that part of Great Britain called England, by the common law thereof; and we further will and ordain, that all judgments, rules, orders, and Acts of authority or power whatsoever, to be made or done by the said Supreme Court of Judicature at Fort William in Bengal, shall be made or done by and with the concurrence of the said four (1) Judges, or so many or such one of them as shall be on such occasions respectively

assembled or sitting as a Court, or of the major part of them so assembled and sitting: provided always, that in case they shall be equally divided, the Chief Justice, or, in his absence, the senior Judge present, shall have a double casting voice. Chief to have a casting voice.

(1) [Three; see note (1) on the recital.]

And we do further grant, ordain, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal shall have and use, as occasion may require, a seal bearing a device and impression of our royal arms, within an exergue or label surrounding the same, with this inscription, "The Seal of the Supreme Court:" and we do hereby grant, ordain, and appoint, that the said seal shall be delivered to, and kept in the custody of the said Chief Justice; and in case of vacancy of the office of Chief Justice, the same shall be delivered over, and kept in the custody of such person who shall then be senior Puisne Judge during such vacancy; and we do hereby grant, ordain, and appoint, that whensoever it shall happen that the office of Chief Justice, or of the Judge, to whom the custody of the said seal be committed, shall be vacant, the said Supreme Court of Judicature at Fort William in Bengal shall be, and is hereby authorized and empowered to demand, seize, and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession. To have a seal, to be kept by the Chief Justice, or by the senior Puisne Judge.

And we do hereby further grant, ordain, and appoint, that all writs, summons, precepts, rules, orders, and other mandatory process, to be used, issued, or awarded by the said Supreme Court of Judicature at Fort William in Bengal, shall run and be in the name and style of us, or of our heirs and successors, and shall be sealed with the seal of the said Supreme Court of Judicature at Fort William in Bengal, and shall have and bear the attestation of the Chief Justice, or, in the vacancy of the said office, of the senior of the three(1) Puisne Justices, and shall be signed by the proper officer, whose duty it shall be, according to the arrangement hereinafter provided, to prepare and make out such process. All writs, &c. issued by the Court, to be in the King's name.

(1) [Two; see a former note.]

And we do further grant, ordain, appoint, and declare, that the said Chief Justice, and the said Puisne Justices, shall and may, and so long as they hold the said offices respectively, shall be entitled to have and receive respectively, the salaries, in and by the said recited Act of Parliament, provided for that purpose, that is to say, the Chief Justice eight thousand pounds by the year, and the three Puisne Justices six thousand pounds by the year, each of them to be paid and payable, in manner and form as is therein specified and directed: and we do hereby give and grant, to our said Chief Justice, rank and precedence, above and before all our subjects whomsoever, within the provinces of Bengal, Bahar, and Orissa, excepting the Governor-general for the time being, of the presidency of Fort William in Bengal, and excepting all such persons as by law and usage take place in England, before our Chief Justice of our Court of King's Bench: and we do hereby also give and grant, to each of our said Puisne Justices respectively, according to their respective priority of nomination, rank, and precedence, above and before all our subjects whomsoever, within the said provinces of Bengal, Bahar, and Orissa, excepting the said Governor-general, our said Chief Justice of our said Supreme Court of Judicature, at Fort William in Bengal, and all and every such member, or members, of the Supreme Council there, as shall respectively, by priority of nomination, be senior or seniors to such respective Puisne Justice or Justices, and also excepting all such persons as by law and usage take place in England, before our Justices of the Court of King's Bench. Chief Justice's and Puisne Justices' salaries. Their rank.

A clause nominating the first Chief Justice and Judges is here omitted.

And we do further, for us, our heirs and successors, grant, ordain, and appoint, that the person who shall be the sheriff at Fort William in Bengal, at the time of the publication of this our Charter, in manner hereinafter directed, shall be and continue the sheriff, until another shall be duly appointed and sworn into the said office: and we do further, for us, our heirs and successors, grant, direct, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal shall, upon the first Tuesday of December, in every year, nominate three persons, resident in the town of Calcutta, or the precincts thereof, to the Governor-general and Council, or the major part of them, who, within three days after such Sheriff at Fort William to continue such until appointment of another. Mode of such, in future, appointment.

nomination, shall appoint one of the said three persons to serve the office of sheriff, for the year ensuing, to be computed from the twentieth day of December next after such appointment; which sheriff shall, as soon as conveniently may be, and before he shall enter upon his said office, take an oath, faithfully to execute his office, and the oath of allegiance, before the Governor-general, or in his absence, the senior member of the Council there present, who are hereby respectively authorized to administer the same; and shall continue in such office, during the space of one whole year, to be computed from the said twentieth day of December, and until another shall be duly appointed and sworn into the said office; and in case such sheriff shall die in his office, or depart from the provinces of Bengal, Bahar, and Orissa, then another person shall and may, as soon as conveniently may be, after the death or departure of such sheriff, be in like manner nominated, appointed, and sworn in as aforesaid, and shall continue in his office for the remainder of the year, or until another sheriff shall be duly appointed and sworn into the said office; and we do further order, direct, and appoint, that the said sheriff, and his successors, shall by themselves, or their sufficient deputies, to be by them appointed, and duly authorized, under their respective hands and seals, and for whom he and they shall be responsible, during his or their continuance in such office, and he and they are hereby authorized to execute all the writs, summons, rules, orders, warrants, commands, and process of the said Supreme Court of Judicature, at Fort William in Bengal, and make return of the same, together with the execution thereof, to the said Supreme Court of Judicature, at Fort William in Bengal, and to receive and detain in prison such persons as shall be committed to him for that purpose by the said Supreme Court of Judicature at Fort William in Bengal, and by the Chief Justice and Justices respectively: and we further direct, ordain, and appoint, that whenever the said Supreme Court of Judicature, at Fort William in Bengal, shall direct, or award any process against the said sheriff, or award any process, in any cause, matter or thing, wherein the said sheriff, on account of his being related to the parties, or any of them, or by reason of any good cause of challenge, which would be allowed against any sheriff, in that part of Great Britain called England, cannot by law execute the same, in every such case, the said Supreme Court of Judicature, at Fort William in Bengal, shall name and appoint some other fit person to execute and return the same; and the said process shall be directed to the said person, so named for that purpose; and the cause of such special proceeding shall be suggested, and entered on the records of the same.

Sheriff's oath.

Provision in case of death, &c. while in his office.

Sheriff's duty.

Mode of proceeding when the Sheriff shall be a party.

And we do further authorize and empower the said Supreme Court of Judicature at Fort William in Bengal, from time to time, as occasion may require, to appoint so many and such clerks, and other ministerial officers, as shall be found necessary for the administration of justice, and the due execution of all the powers and authorities which are and shall be granted and committed to the said Supreme Court of Judicature, at Fort William in Bengal, by these our Letters Patent. And it is our further will and pleasure, and we do hereby, for us, our heirs and successors, give, grant, direct and appoint, that all and every the officers and clerks, to be appointed as aforesaid, shall have and receive respectively such reasonable salaries as the said Supreme Court of Judicature, at Fort William in Bengal, shall appoint, for each office and place respectively, and as the Governor-general and Council appointed, constituted and created, by the Act of Parliament, herein-before mentioned, shall approve of; provided always, and it is our will and pleasure, that all and every the officers and clerks, to be appointed as aforesaid, shall be resident within the limits of the jurisdiction of the said Court, so long as they shall hold their respective offices.

Court to appoint clerks and officers, with such reasonable salaries as shall be approved of by the Governor-general and Council.

Such officers to reside within the jurisdiction of the Court.

And we do hereby further authorize and empower the said Supreme Court of Judicature at Fort William in Bengal, to approve, admit, and enrol such and so many advocates and attornies at law as to the said Supreme Court of Judicature at Fort William in Bengal shall seem meet, who shall be attornies of record, and shall be, and are hereby authorized to appear and plead, and act for the suitors of the said Supreme Court of Judicature at Fort William in Bengal; and the said advocates and attornies, on reasonable cause, to remove; and no other person or persons whatsoever, but such advocates or attornies, so admitted and enrolled, shall be allowed to appear and plead, or act in the said Supreme Court of Judicature at Fort William in Bengal, for or on the behalf of such suitors, or any of them.

Court to approve advocates and attornies at law, who are to plead and act for the suitors; and be removable on reasonable cause.

And we do hereby further authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to settle a table of the fees to be allowed to such sheriff, and all other the officers, clerks, and attornies aforesaid, for all and every part of the business to be done by them respectively, which fees, when approved by the Governor and Council, to whom

Fees to be settled by the Court, and approved by the Governor-general in Council:

we hereby give authority to review the same, the said Sheriff and other officers, clerks and attornies, shall and may lawfully demand and receive: and we do further authorize the said Supreme Court of Judicature at Fort William in Bengal, with the like concurrence of the said Governor and Council, from time to time, to vary the said table of fees, as there shall be occasion: and it is our further will and pleasure, and we do hereby require and enjoin the said Chief Justice, and the said Puisne Justices, and each of them respectively, within one year after these our Letters Patent shall have been published at Fort William in Bengal aforesaid, and within one month from the said settling and allowance of the said table of fees, to certify, under their several hands and seals, and to transmit to us, our heirs and successors, a full and true account of the several offices and places, and officers and clerks, and of their salaries, severally and respectively, and a true copy of the said table of fees, together with the approbation of the said Governor and Council, and also any variation of the said table, to be made as aforesaid, within one month after the same shall have been so varied: and we further direct, ordain, and appoint that the said table, and the said alteration and variations thereof, if any alteration or variation shall be made, shall be hung up in some conspicuous part of the hall or place where the said Supreme Court of Judicature at Fort William in Bengal shall be publicly holden.

Copy thereof to be sent to Europe, with a list of officers, clerks, &c.

Table of fees to be hung up in Court.

And we do further direct, ordain, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal may and shall have power and jurisdiction, and is hereby authorized to hear, examine, try, and determine, in manner herein-after mentioned, all actions and suits, which shall or may arise, happen, be brought, or promoted, upon or concerning any trespasses or injuries of what nature or kind soever, or any debts, duties, demands, interests or concerns, of what nature or kind soever, or any rights, titles, claims or demands, of, in, or to any houses, lands, or other things, real or personal, in the several provinces or districts, called Bengal, Bahar, and Orissa; or touching the possession, or any interest or lien, in or upon the same, and all pleas, real, personal, or mixt, the causes of which shall or may hereafter arise, accrue and grow, or shall have heretofore arisen, accrued, and grown, against the said United Company of Merchants trading to the East-Indies, and against the said mayor and aldermen of Calcutta, at Fort William in Bengal, and against any other of our subjects, who shall be resident within the said provinces, districts, or countries, called Bengal, Bahar, and Orissa, or who shall have resided there, or who shall have any debts, effects, or estate, real or personal, within the same, and against the executors and administrators of such our subjects, and against any other person, who shall, at the time of such action being brought, or at the time when any such cause of action shall have accrued, be or have been employed by, or be or have been, directly or indirectly, in the service of the said United Company, or of the said mayor and aldermen, or of any other of our subjects: provided always, that it shall not be competent to the said Supreme Court of Judicature at Fort William in Bengal to try or determine any suit or action against such person, who shall never have been resident in the provinces of Bengal, Bahar, and Orissa, or any one of them, nor against any person then resident in Great Britain or Ireland, unless such suit or action, against such person, so then resident in Great Britain or Ireland, shall be commenced within two years after the cause of action arose, and the sum to be recovered be not of greater value than thirty thousand rupees: and the said Supreme Court of Judicature, at Fort William in Bengal, shall have the like power and jurisdiction, and is hereby authorized to hear, examine, try, and determine, all such causes, actions, and suits, as aforesaid, arising, growing, and to be brought or promoted against every other person or persons whatsoever, inhabitants of India, residing in the said provinces, districts, or countries of Bengal, Bahar and Orissa, upon any contract or agreement in writing, entered into by any of the said inhabitants, with any of his Majesty's subjects, where the cause of action shall exceed the sum of five hundred current rupees, and when such inhabitant shall have agreed in the said contract, that, in case of dispute, the matter shall be determined in the said Supreme Court of Judicature, at Fort William in Bengal; and to the end that justice may be administered in the said Supreme Court of Judicature, at Fort William in Bengal, with all convenient speed and certain effect, our will and pleasure is, and we do hereby further grant, ordain and appoint, that upon any such cause of action, as aforesaid, it shall be lawful and competent for any person whatsoever, by himself or his lawful attorney, admitted and inrolled as aforesaid, to prefer to the said Supreme Court of Judicature at Fort William in Bengal, and file of record, in the said Supreme Court of Judicature at Fort Wil-

Court's power and jurisdiction in Bengal, &c. in all trrespasses against the Company, Mayor's Court of Calcutta, or others, in Bengal, &c., or others who have resided there, or who have effects there, or are or have been in the Company's service, or of the Mayor's Court, or of others, but not against such who have never resided there, or against such who reside in Great Britain, &c.

Court's power to try causes, &c. of Indian inhabitants within Bengal, &c. where the cause shall exceed 500 current rupees.

Mode of proceeding in such actions:

liam in Bengal, a plaint or bill in writing, containing the cause of action or complaint, whereupon the said Supreme Court of Judicature, at Fort William in Bengal, shall, and is hereby authorized to award and issue a summons, or precept in nature of a summons, in writing, to be prepared in manner above-mentioned, directed to the said sheriff, and containing a short notice of the cause of action set forth in the said plaint, and commanding the said sheriff to summon the person against whom the said plaint shall have been filed, to appear at some certain time and place therein to be specified, to answer the said plaint, which said precept and the execution thereof, the said sheriff shall duly return to the said Supreme Court of Judicature, at Fort-William in Bengal, and the person or persons, so summoned, shall accordingly appear, and may plead such matter in abatement, bar, or other avoidance of the said plaint, or otherwise, as he or they shall be advised; and after such appearance, the Supreme Court of Judicature at Fort William in Bengal shall proceed from time to time, giving reasonable days to the parties to hear their respective allegations, as justice may require, and examine the truth thereof, upon the oath or oaths (1) of such competent and credible witnesses as they shall produce respectively; to which end, we hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal, at the request of either of the said parties, to award and issue a summons, or precept in the nature of a summons, to be prepared in manner before-mentioned, directed to every one of such witnesses, commanding him or her to appear, at a time and place to be specified in such summons, to depose his or her knowledge, touching the suit so depending between the parties, naming them, and specifying at whose request such summons shall have issued; and upon the appearance of the said witnesses, or any of them, the said Supreme Court of Judicature, at Fort William in Bengal, may, and is hereby required to order and award to them, and each of them, such reasonable sum of money, for his, her, or their expenses, as the said Supreme Court of Judicature, at Fort William in Bengal, shall think fit, whether such witnesses shall be examined or not, the same to be paid forthwith by the party, at whose request the said summons shall have issued; and if the said sum of money, so ordered and awarded, shall not be forthwith paid or secured to such witness, to the satisfaction of the Supreme Court of Judicature, at Fort William in Bengal, the party, to whom it shall belong to pay the same, shall not only lose the benefit of such witness's testimony, but shall be compelled to pay him or her the money, so ordered and awarded, by such ways and process as are hereinafter provided, for levying and enforcing the payment and satisfaction of money recovered by judgments of the said Court; and the said Supreme Court of Judicature at Fort William in Bengal is hereby authorized and empowered to administer, to such witnesses and others, whom they may see occasion to examine, proper oaths and affirmations,(1) that is to say, to such persons as profess the Christian religion oath upon the Holy Evangelists of God, and to Quakers affirmations, according to the form used in England for that purpose; and to others oaths, in such manner and form as the Supreme Court of Judicature at Fort William in Bengal shall esteem most binding upon their consciences respectively; and the said Supreme Court of Judicature at Fort William in Bengal is hereby authorized and required to reduce, or cause the said depositions to be reduced into writing, and subscribed by the several witnesses, with their name or other mark, and to file the same of record; and in case any person or persons, so summoned, shall refuse, or wilfully neglect to appear and be sworn, or, being Quakers, to affirm, and be examined, and subscribe their depositions, as the Supreme Court of Judicature, at Fort William in Bengal, shall appoint, the Supreme Court of Judicature at Fort William in Bengal is hereby empowered to punish such person or persons, so refusing, or wilfully neglecting, as for a contempt, by fine, imprisonment, or other corporal punishment not affecting life or limb.

The examination of witnesses on oath; to summon witnesses; reasonable expenses to be allowed them; payment thereof compelled; witnesses to be sworn; Quakers to affirm. Witnesses refusing to be sworn, or affirm, to be punished.

(1) [See 9 Geo. 4, cap. 74, secs. 36 & 37.]

And we do further give the said Supreme Court of Judicature at Fort William in Bengal full power and authority, upon examining and considering the several allegations of the said parties to such suit, or of the complainant alone, in case the defendant should make default after appearance, or say nothing, or confess the plaint; and the depositions of the witnesses produced, sworn and examined in manner above-mentioned, to give judgment and sentence according to justice and right; and also to award and order such costs to be paid by either or any of the parties to the other or others, as they the said Court shall think just.

The Court to give judgment, on hearing the parties, in case defendant should make default after appearance, or refuse to make a defence;

And we do further authorize and empower the said Supreme Court of Judicature at Fort

Court to award costs, and may issue writs of

William in Bengal, to award and issue a writ or writs of execution, to be prepared in manner before-mentioned, and directed to the said sheriff for the time being, commanding him to seize and deliver the possession of houses, land, or other things recovered in and by such judgment, or to levy any sum of money which shall be so recovered, or any costs which shall be so awarded, as the case may require, by seizing and selling so much of the houses, lands, debts, or other effects, real and personal, of the party against whom such writs shall be awarded, as will be sufficient to answer and satisfy the said judgment or award, or to take and imprison the body of such party or parties, until he or they shall make such satisfaction, or to do both, as the case shall require; and we do further order, direct, and appoint, that the several debts to be seized as aforesaid shall, from the time the same shall be extended and returned into the said Supreme Court of Judicature at Fort William in Bengal, be paid and payable in such manner and form as the said Supreme Court of Judicature at Fort William in Bengal shall appoint, and no other; and such payment, and no other, shall from thenceforth be an absolute and effective discharge for the said debts, and every of them respectively; and we do hereby further authorize and empower the said Supreme Court of Judicature at Fort William in Bengal, to make such further and other interlocutory rules and orders, as the justice of the proceeding may seem to require; and in case the party so summoned as aforesaid shall not appear upon the return of such summons or precept as aforesaid, according to the exigence thereof, we do further authorize and empower the said Supreme Court of Judicature at Fort William in Bengal, to award and issue a writ or warrant, to be prepared in manner above-mentioned, and directed to the said sheriff, commanding him to arrest and seize the body of such person, so making default, and to have his said body, at such time and place as shall be specified in the said writ for that purpose, before the said Supreme Court of Judicature at Fort William in Bengal, to answer the said plaint; and the said Supreme Court of Judicature at Fort William in Bengal may, if it should be thought proper, by the said writ, authorize the said sheriff to take such bail, for the appearance of the said defendant, as the said Supreme Court of Judicature at Fort William in Bengal shall think fit to direct; and upon such appearance, the said defendant may plead, in such manner as if he had appeared upon the return of the summons; and if the cause of action contained in such plaint shall be personal, and of more value than one hundred current rupees, and the plaintiff, by affidavit, or, being a Quaker, by affirmation in writing, to be filed of record, shall satisfy the said Supreme Court of Judicature at Fort William in Bengal, that the defendant is justly and truly indebted to him, in a greater sum than one hundred current rupees, or if he shall, by like affidavit or affirmation, to be filed as aforesaid, verify, to the satisfaction of the said Supreme Court of Judicature at Fort William in Bengal, a case of such enormous personal wrong as in the judgment of the said Supreme Court of Judicature at Fort William in Bengal requires such security, the said Supreme Court of Judicature at Fort William in Bengal shall and is hereby authorized and empowered to award and issue, in lieu of the summons aforesaid, a writ or warrant, to be prepared in manner above-mentioned, and directed to the said sheriff, commanding him to arrest and seize the body of such defendant, and to have his said body, at a time and place, in the said writ to be specified, before the said Court, to answer the said plaint, and to give sufficient security, to be approved of by the said Supreme Court of Judicature at Fort William in Bengal, that he will stand to, and perform the judgment of the said Supreme Court of Judicature at Fort William in Bengal, upon the premises, and pay all such sum or sums of money as shall thereby be awarded; and the said Supreme Court of Judicature at Fort William in Bengal may, in and by the said writ or warrant, authorize the said sheriff to deliver the body of such defendant so arrested, to sufficient bail, upon their sufficient recognizance and security given, that such defendant shall appear at a time and place mentioned in such writ or warrant, and in all things perform and fulfil the exigence thereof; and upon the appearance of such defendant in and before the said Supreme Court of Judicature at Fort William in Bengal, we do hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal, to commit him to prison, to the said sheriff, unless or until he shall give security, to the satisfaction of the said Supreme Court of Judicature at Fort William in Bengal, to perform the judgment thereof, and pay all such sum or sums of money as shall be awarded thereby; which security, we hereby empower the said Court to take, and thereupon to deliver the body of the said defendant upon bail; and if the said sheriff shall return to either of the said writs of summons, or *capias*, that the

execution, for seizing effects;

debts so seized to be paid as the Court shall appoint:

such interlocutory orders to be made as they shall see fit;

in failure of appearance, the Court may order the party to be arrested:

Sheriff may take bail for appearance:

Proceedings thereon.

defendant is not to be found within the jurisdiction of the said Supreme Court of Judicature at Fort William in Bengal, and the plaintiff shall, by affidavit, or, being a Quaker, by affirmation, in writing or otherwise, to the satisfaction of the said Supreme Court of Judicature at Fort William in Bengal, make proof, verifying his demand, we do hereby grant, ordain, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal shall and may award and issue a writ of sequestration, to be prepared in manner abovementioned, and directed to the said sheriff, commanding him to seize and sequester the houses, lands, goods, effects, and debts of such defendant, to such value as the said Supreme Court of Judicature at Fort William in Bengal shall think reasonable and adequate to the said cause of action, so verified as aforesaid, and the same to detain till such defendant shall appear and abide such order of the said Supreme Court of Judicature at Fort William in Bengal as if he had appeared on the former process; and the said Supreme Court of Judicature at Fort William in Bengal shall and is hereby authorized and empowered, according to their discretion, either to cause the said goods to be detained in specie, or to be sold, and to give day to such defendant, by proclamation in open Court, from time to time, not exceeding two years in the whole; and if such defendant shall not appear on the last day, which the said Court in their discretion shall think proper to give, it shall be lawful, and the said Supreme Court of Judicature at Fort William in Bengal is hereby authorized to proceed ex-parte, to hear, examine, and determine the said plaint and cause, and give such judgment therein, and award and order such costs as aforesaid; and if judgment shall in such case pass for the plaintiff, the said Supreme Court of Judicature at Fort William in Bengal is hereby authorized and empowered to award and issue a writ to the said sheriff, to be prepared in manner abovementioned, commanding him to sell the said houses, lands, goods, effects, and debts, so seized and sequestered, and to make satisfaction out of the produce thereof, to the plaintiff, for the duty so recovered, and his costs, and to return the overplus, if any there be, after satisfying the said judgment and costs, and the expenses of the said sequestration, to such person in whose possession the said effects were seized, or otherwise to reserve them for the said defendant, as occasion shall require: and if such effects shall not be sufficient to produce the sum so to be recovered, and the said costs, the said Supreme Court of Judicature at Fort William in Bengal is further empowered to award and issue such process of execution, for the deficiency, as is heretofore provided for levying money recovered by judgment and costs: and if judgment shall, in such last-mentioned case, pass for the defendant, the said Supreme Court of Judicature at Fort William in Bengal is authorized and empowered to award and order the costs of the said suit, and the expense of the said sequestration, and all the damages occasioned thereby, to be paid by the said plaintiff to the said defendant, or his attorney, or the person in whose possession the said effects were seized, and the same shall be levied by such process as is herein provided for levying costs; and the said debts, from the time of their being so seized and extended, and returned into Court, shall be payable in such manner as the said Supreme Court of Judicature at Fort William in Bengal shall direct, and no other.

Recital of former proceedings, either where the Company are plaintiffs or defendants:

And whereas, in and by the said Charter, made and granted by our said royal Grandfather, King George the Second, on the eighth day of January, in the twenty-sixth year of his reign, it is among other things provided, that in case of actions or suits against the said United Company, it should be lawful, for the Court thereby established, to issue their summons to the Governor, or President and Council, at Fort William in Bengal, to appear for the said United Company, with further power to issue such process, against the said Company, and their estate and effects, as should be necessary to compel the appearance of the said Company, and to raise and levy upon their goods, estate or effects, the debt or damages, together with such costs of suit as should be awarded by the said Court; and that in case of any action or suit, to be brought by the said Company against any other person, it should be lawful for the said Governor, or President and Council, to appear and act for the said Company; and in case of judgment given against the said Company, and costs awarded, the same should be levied by the said Court, upon the goods and effects of the said Company, as by the said Charter may more fully appear: now we meaning also to extend the powers and authorities, hereby given and granted, for the due administration of justice, in the most beneficial manner, to all our loving subjects, in the said provinces, districts, or countries, of Bengal, Bahar, and Orissa, do grant, ordain, and appoint, that the said Governor and Council, or their suc-

Company to appoint an attorney to act on their behalf.

cessors, shall and may, from time to time, by their sufficient warrant, to be filed of record, name and appoint some sufficient person, resident in the said town of Calcutta, to be the attorney of the said United Company, who shall remain and act as attorney to the said United Company, so long as he shall reside in Calcutta, or until some other fit person, there resident, shall be appointed in his place, in manner above-mentioned. And if any such plaint, as aforesaid, shall be filed in the said Supreme Court of Judicature at Fort William in Bengal against the said United Company, the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby empowered to award and issue such summons or precept, as aforesaid, directed to the said sheriff, commanding him to summons the said United Company, by their said attorney, to appear at a time and place therein to be specified, to answer the said plaint, and the said sheriff shall serve the same upon the said attorney, and the said attorney shall thereupon appear for the said Company; and if the said United Company shall not appear in manner aforesaid, upon the return of the said writ, the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby authorized, upon such default, to award and issue a writ, to be prepared in manner before-mentioned, and directed to the said sheriff, commanding him to seize and sequester such and so much of the estate and effects of the said Company as, upon the circumstances, the said Supreme Court of Judicature at Fort William in Bengal shall think fit, to compel the appearance of the said Company, at the time and place, which shall be specified for that purpose, in such writ of sequestration: and for default of appearance, upon the return of such last-mentioned writ, the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby empowered to issue other such writ or writs of sequestration, from time to time, till the said Company shall duly appear; and after such appearance, the said Supreme Court of Judicature at Fort William in Bengal shall and may proceed to hear, examine, try and determine, the said action and suits, in manner before-mentioned. And if judgment shall be given in such action or suit, against the said Company, the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby empowered to award and order reasonable costs to be paid by the said Company, and to cause the debt or damages and costs, so awarded, to be raised and levied of the estates, goods, and chattels of the said Company, in such manner as is herein-before provided, for execution to be had in other actions and suits. And if the said Governor and Council shall refuse or neglect, at any time, to make such attorney, the said Supreme Court of Judicature, at Fort William in Bengal are hereby empowered and authorized to name an attorney for the said United Company, against whom process shall in like manner be awarded. And the said United Company may also sue in the said Supreme Court of Judicature at Fort William in Bengal, in the same manner, and to the same effect, as other persons herein-before mentioned; and if judgment should be given against the said United Company, the said Supreme Court of Judicature at Fort William in Bengal may order reasonable costs to be paid by them to the defendant, and to be raised and levied of their lands, houses, debts, estates, goods, and chattels, in such manner as is herein provided for execution of judgments on other occasions. And if the said United Company, after four sequestrations, and after the expiration of two years from the service of the summons above-mentioned, shall not appear, then the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby required, if the plaintiff shall, by affidavit, or, being a Quaker, by affirmation in writing, or otherwise, to the satisfaction of the said Supreme Court of Judicature at Fort William in Bengal, make proof, verifying his demand, to proceed, hear, examine, try, and determine the said plaint and cause, and to give such judgment therein, and award such costs as aforesaid; and in case the said judgment shall pass for the plaintiff, the said Supreme Court of Judicature at Fort William in Bengal is hereby authorized and empowered to award and issue a writ to the said sheriff, to be prepared in manner before-mentioned, commanding him to sell the goods and effects so seized and sequestered, and to make satisfaction, out of the produce thereof, to the plaintiff, for the duty so recovered, and his costs, and to return the overplus, if any there be, after satisfying the said judgment and costs, and expenses of the said sequestration, to such person in whose possession the said effects were so seized, to and for the use of the said United Company; and if such effects are not sufficient to produce the sum so to be recovered, and the said costs, the said Supreme Court of Judicature at Fort William in Bengal is further empowered to award and issue such process of execution for the deficiency as is heretofore provided for levying money recovered by judgment and costs. And if judgment shall, in any case, pass for the said

Form of proceedings.

And if the Company refuse to appoint an attorney, the Court may appoint one.

Form of proceedings.

United Company, the said Supreme Court of Judicature at Fort William in Bengal is hereby authorized and empowered to award and order costs of the said suit, and the expense of the said sequestration, and all the damages occasioned thereby, being first taxed, ascertained, and assessed, by the proper officer, to be paid by the said plaintiff to the person in whose possession the said effects were seized, to and for the use of the United Company, and the same shall be levied by such process as is herein-before provided for levying costs.

Disputes between Indian natives and British subjects may, by agreement, be determined in the Supreme Court; and causes of action, exceeding 500 current rupees, and suits brought in other Courts, either party may appeal to the Supreme Court, which is to cause proceedings in other Courts to surcease, and Supreme Court to determine thereupon.

And whereas contracts, or agreements in writing, may be entered into, by some of the inhabitants of India, residing in the said provinces or districts of Bengal, Bahar, and Orissa, or some of them, or some part thereof, with our British subjects, or some of them, wherein such inhabitant or inhabitants may agree, that, in case of dispute, the matter should be heard and determined in the said Supreme Court of Judicature at Fort William in Bengal, and whereupon a cause or causes of action may arise, exceeding in value respectively the sum of five hundred current rupees, and suits may be brought thereupon, in some of the Courts of Justice already established in the said provinces or districts, we do hereby further grant, ordain, establish and appoint, that in such cases, it shall be lawful for either party, before or after sentence or judgment pronounced therein, by his, her, or their humble petition, suggesting such agreement in writing as aforesaid, and verifying the same upon oath, to appeal to the said Court of Judicature at Fort William in Bengal, and upon such petition preferred, and filed of record, in the said Supreme Court of Judicature at Fort William in Bengal, the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby authorized to award and issue a writ, or precept, to be prepared in manner and form above-mentioned, directed to the other party or parties, commanding him, her, or them, immediately to surcease proceeding further in such suit or suits, and thereupon such Supreme Court shall determine thereupon, according to right and justice, in like manner as if no proceedings had been in such other Court of Justice.

Supreme Court to be a Court of Equity, as the Court of Chancery in Great Britain, and to compel appearance, &c. accordingly.

And it is our further will and pleasure, and we do hereby, for us, our heirs and successors, grant, ordain and establish, that the said Supreme Court of Judicature at Fort William in Bengal should also be a Court of Equity, and shall and may have full power and authority to administer justice in a summary manner, as nearly as may, according to the rules and proceedings of our High Court of Chancery in Great Britain; and, upon a bill filed, to issue subpœnas, and other process, under the seal of the said Supreme Court of Judicature at Fort William in Bengal, to compel the appearance and answer upon oath of the parties therein complained against, and obedience to the decrees and orders of the said Court of Equity, in such manner and form, and to such effect as our High Chancellor of Great Britain doth, or lawfully may, under our great seal of Great Britain.

Supreme Court to be a Court of Oyer and Terminer and Gaol Delivery.

And it is our further will and pleasure, and we do hereby grant, ordain, and appoint that the said Supreme Court of Judicature at Fort William in Bengal shall also be a Court of Oyer and Terminer, and Gaol Delivery, in and for the town of Calcutta, and factory of Fort William in Bengal aforesaid, and the limits thereof, and the factories subordinate thereunto; and shall have the like power and authority as Commissioners or Justices of Oyer and Terminer, and Gaol Delivery, have or may exercise in that part of Great Britain called England, to inquire, by the oaths of good and sufficient men, of all treasons, murders, and other felonies, forgeries, perjuries, trespasses, and other crimes and misdemeanors, heretofore had, done, or committed, or which shall hereafter be had, done, or committed within the said town or factory, and the limits aforesaid, and the factories subordinate thereto; and, for that purpose, to issue their warrant or precept, to be prepared in manner above-mentioned, and directed to the said sheriff, commanding him to summon a convenient number, therein to be specified, of the principal inhabitants resident in the said town of Calcutta, being subjects of Great Britain,(1) of us, our heirs and successors, to attend and serve, at a time and place therein also to be specified, as a grand jury or inquest, for us, our heirs and successors, and present to the said Supreme Court of Judicature at Fort William in Bengal such crimes as shall come to their knowledge, and the said crimes and offences to hear and determine, by the oaths of other good and sufficient men, being subjects of Great Britain, (1) of us, our heirs or successors, and resident in the said town of Calcutta, and for that purpose to issue a summons or precept, prepared in such manner as is before-mentioned, and directed to the said Sheriff, commanding him to summon a convenient number, to be therein specified, of such British subjects (1) as aforesaid, to be and appear, at a time and

Sheriff to summon Grand Juries.

Sheriff to summon Petit Juries.

place therein to be specified, and to try the said indictment or inquest. And if any such grand or petit jury, so summoned as aforesaid, shall refuse or neglect to attend, according to such summons, and be sworn upon inquest, we do hereby further empower the said Supreme Court of Judicature at Fort William in Bengal to punish the said contempt, by fine or imprisonment, or both And we do further empower the said Supreme Court of Judicature at Fort William in Bengal, in like manner and under the like penalties, to cause all such witnesses as justice shall require to be summoned, and to administer to them and each of them the proper oaths, (2) that is to say, an oath upon the holy evangelists of God, to such as profess the Christian religion; and to others, such oaths, and in such manner as the said Supreme Court of Judicature at Fort William in Bengal shall esteem to be most binding upon their consciences; and to proceed to hear, examine, try, and determine the said indictments and offences, and to give judgment thereupon, and award execution thereof, and in all respects to administer criminal justice, in such or the like manner and form, or as nearly as the condition and circumstance of the place and the persons will admit of, as our Courts of Oyer and Terminer and Gaol Delivery do or may, in that part of Great Britain called England. And we do further authorize and empower the said Supreme Court of Judicature at Fort William in Bengal in like manner to inquire, hear, and determine, and to award judgment and execution of, upon, and against all treasons, murders, felonies, forgeries, perjuries, trespasses, crimes, misdemeanors, and oppressions, had, done, or committed, or which shall hereafter be had, done, or committed in the districts, provinces, or countries, called Bengal, Bahar, and Orissa, by any of the subjects of us, our heirs or successors, or any other person or persons, who shall, at the time of committing the same, have been employed by, or shall have been, directly or indirectly, in the service of the said United Company, or of any of the subjects of us, our heirs or successors; and for that purpose to award and issue a writ or writs to the said sheriff, prepared in manner before-mentioned, commanding him to arrest and seize the body or bodies of such offenders, and bring him or them to Fort William aforesaid, and him or them to keep, until he or they shall be delivered by due course of law, and to do all other Acts which shall be necessary for the due administration of criminal justice, in such manner and form, or as nearly as the circumstances and condition of the case will admit of, as our Courts of Oyer and Terminer and Goal Delivery may do in that part of Great Britain called England. And we do further ordain and establish, that in such case, it shall not be lawful for such offender to object to the locality of the jurisdiction of the Court, or the grand or petit jury; but he shall be indicted, arraigned, tried, convicted, and punished, or acquitted and demeaned, in all respects as if the crime had been committed within the said town of Calcutta, or factory of Fort William, or the limits thereof.

Punishment for non-attendance of Juries.

Witnesses to be summoned and sworn.

Criminal justice to be administered, as in Courts of Oyer and Terminer in Great Britain.

Unlawful for offenders to object to locality of the Court's jurisdiction, or to the Juries.

Offenders to be tried, &c. as if their crimes had been committed in Calcutta.

(1) [For the law as to the eligibility of Jurors, see 7 Geo. 4, cap. 37, secs. 1 & 2; and 2 & 3 Wm. 4, cap. 117, sec. 2.]

(2) [See 9 Geo. 4, cap. 74, secs. 36 & 37.]

And whereas cases may arise, wherein it may be proper to remit the general severity of the law, we do hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to reprieve and suspend the execution of any capital sentence, wherein there shall appear, in their judgment, a proper occasion for mercy, until our pleasure shall be known; and they shall, in such case, transmit to us, under the seal of the Supreme Court of Judicature at Fort William in Bengal, a state of the said case, and of the evidence, and of their reasons for recommending the criminal to our mercy; and in the mean time they shall cause such offender to be kept in strict custody, or deliver him or her out to sufficient mainprize or bail, as the circumstances shall seem to require. (1)

Supreme Court may reprieve or suspend execution of sentence until the King's pleasure is known, to whom a state of the case, &c. is to be sent; in the mean time the offenders may be detained, or delivered on bail.

(1) [See Act of Government of India, No. 7 of 1837.]

And to the end that the said Court of Requests and the said Court of Quarter Sessions, erected and established at Fort William in Bengal, by the said Charter of our said royal Grandfather, made in the twenty-sixth year of his reign, and the justices, sheriffs, and other magistrates, thereby appointed for the said districts, may better answer the ends of their respective institutions, and act more conformably to law and justice, it is our further will and pleasure, and we do hereby further grant, ordain, and establish, that all and every the said Courts and magistrates shall be subject to the order and control of the said Supreme Court of

Court of Requests and Quarter Sessions established by the late Charter, and Justices, Sheriffs, and other Magistrates, to be subject to the order and control of the Supreme Court, as the lower

Courts of Great Britain are to the Court of King's Bench; and may issue writs of *mandamus*, *certiorari*, &c., and punish contempt by fine and imprisonment.

Judicature at Fort William in Bengal in such sort, manner, and form as the inferior Courts and magistrates of and in that part of Great Britain called England are by law subject to the order and control of our Court of King's Bench; to which end the said Supreme Court of Judicature at Fort William in Bengal is hereby empowered and authorized to award and issue a writ or writs of *mandamus, certiorari, procedendo*, or error, to be prepared in manner abovementioned, and directed to such Courts or magistrates, as the case may require, and to punish any contempt of a wilful disobedience thereunto, by fine and imprisonment.

Supreme Court to exercise ecclesiastical jurisdiction in Bengal, Bahar, and Orissa, on British subjects, as is exercised in the diocese of London.

Power to proceed in all causes, suits, &c. against British subjects of ecclesiastical cognizance.

To grant probates of last wills of British subjects dying within Bengal, Bahar, and Orissa: to commit letters of administration of intestates.

Form of proceedings therein as in the diocese of London.

And it is our further will and pleasure, and we do hereby grant, ordain, establish and appoint, that the said Supreme Court of Judicature at Fort William in Bengal shall be a Court of Ecclesiastical Jurisdiction, and shall have full power and authority to administer and execute within and throughout the said provinces, districts or countries, called Bengal, Bahar, and Orissa, and towards and upon our British subjects there residing, the ecclesiastical law, as the same is now used and exercised in the diocese of London in Great Britain, so far as the circumstances and occasions of the said provinces and people shall admit or require: and to that purpose, we give and grant to the said Supreme Court of Judicature at Fort William in Bengal, full power and authority to take cognizance of, and proceed in all causes, suits and business belonging and appertaining to the Ecclesiastical Court, before the said Supreme Court of Judicature at Fort William in Bengal, in whatsoever manner to be moved, as well at the instance or promotion of parties as of office, mere or mixed, against any of our British subjects, residing at the said provinces, countries or districts, and which, by the law and custom of the said diocese of London, are of ecclesiastical cognizance; and the said causes, suits and business, with their incidents, emergents and dependents, and whatsoever is thereto annexed, and therewith connected, to hear, despatch, discuss, determine, and also to grant probates, under the same seal of the said Supreme Court of Judicature at Fort William in Bengal, of the last wills and testaments of all or any of the said British subjects, of us, our heirs and successors, dying within the said three provinces, countries or districts of Bengal, Bahar, and Orissa; and to commit letters of administration, under some seal, of the goods, chattels, credits, and all other effects whatsoever of such British subjects as aforesaid, who shall die intestate within the said three provinces, countries or districts, or who shall not have named an executor, resident in such districts, or where the executor, being duly cited, according to the form now used for that purpose, in the said diocese of London, shall not appear and sue forth such probate, annexing the will to the said letters of administration, where such person shall have left a will, without naming any executor, or any person for executor, who shall then be alive, and resident within the said three provinces, countries or districts, and who, being duly cited thereunto, will appear and sue forth a probate thereof; and to sequester the goods, chattels, credits and other effects whatsoever, of such persons so dying, in cases allowed by law, as the same is and may now be used in the said diocese of London; and to demand, require, take, hear, examine and allow, and, if occasion require, to disallow and reject the account of them, in such manner and form as is now used, or may be used, in the said diocese of London, and to do all other things whatsoever, needful and nesessary in that behalf: provided always, and we do hereby authorize and require the said Supreme Court of Judicature at Fort William in Bengal, in such cases as aforesaid, where letters of administration shall be committed, with the will annexed, for want of an executor appearing in due time to sue forth the probate, to reserve in such letters of administration full power and authority to revoke the same, and to grant probate of the said will, to such executor whenever he shall duly appear, and sue forth the same: and we do hereby further authorize and require the said Supreme Court of Judicature at Fort William in Bengal, to grant and commit such letters of administration, according to the course now used, or which lawfully may be used in the said diocese of London, to the lawful next of kin of such persons so dying as aforesaid; and in case no such person then be residing within the jurisdiction of the said Supreme Court of Judicature at Fort William in Bengal, or, being duly cited, shall not appear, and pray the same, to the principal creditor of such person, or such other creditor, as shall be willing or desirous to obtain the same; and for want of any creditor appearing, then to such other person or persons who shall be thought proper by the said Supreme Court of Judicature at Fort William in Bengal.

To sequester estates of deceased persons;

to allow and reject accounts.

Proviso,

if an executor appears after letters of administration are granted.

To whom letters of administration are to be granted.

Administrators to give security to the junior Justice to the value of the estate.

And we do hereby further enjoin and require, that every person to whom such letters of administration shall be committed, shall, before the granting thereof, give sufficient security, by bond, to the Junior Justice of the said Supreme Court of Judicature at Fort William in Bengal, for the payment of a competent sum of money, with two or more able sureties, respect

being had in the sum therein to be contained, and in the ability of the sureties, to the value of the estate, credits and effects of the deceased; which bond shall be deposited in the said Supreme Court of Judicature at Fort William in Bengal, among the records thereof, and there safely kept, and a copy thereof shall also be recorded among the proceedings of the said Supreme Court of Judicature in Fort William in Bengal; and the condition of the said Bond shall be to the following effect: "that if the above-bounden administrator of the goods, "chattels, and effects of the deceased, do make, or cause to be made, a true and perfect "inventory of all and singular the goods, credits, and effects of the said deceased, which "have or shall come to the hands, possession or knowledge of him the said administrator, "or the hands or possessions of any other person or persons for him, and the same, so made, "do exhibit, or cause to be exhibited, into the Supreme Court of Judicature at Fort William "in Bengal, at or before a day therein to be specified, and the same goods, chattels, credits "and effects and all other the goods, chattels, credits and effects of the said deceased, at the "time of his death, or which, at any time afterwards, shall come to the hands or possession, "or to the hands and possession of any other person or persons for him, shall well and truly "administer, according to law, and further shall make, or cause to be made, a true and just "account of his said administration, at or before a time therein to be specified, and all the rest "and residue of the said goods, chattels, credits and effects, which shall be found remaining "upon the said administration account, the same being first examined and allowed of, by the "said Supreme Court of Judicature at Fort William in Bengal, shall deliver and pay unto "such person or persons respectively as shall be lawfully entitled to such residue, then this "obligation to be void, and of none effect, or else to remain in full force and virtue:" and in case it shall be necessary to put the said bond in suit, for the sake of obtaining the effect thereof, for the benefit of such person or persons as shall appear to the said Supreme Court of Judicature at Fort William in Bengal to be principally interested therein, such person and persons, from time to time, paying all such costs as shall arise from the said suit, or any part thereof, such person or persons shall, by order of the said Supreme Court, be allowed to sue the same, in the name of the said obligee, and the said bond shall not be sued in any other manner: and we do hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to order that the said bond shall be put in suit, in the name of the said Junior Judge, or of his executor, whom we also authorize the said Supreme Court of Judicature in Bengal to name and appoint for that special purpose.

How bond to be kept and recorded.

Form of the condition of the bond.

Directions if it shall be necessary to put the said bond in suit.

And we do hereby authorize the said Supreme Court of Judicature at Fort William in Bengal to constitute and appoint such, and so many, registrars, proctors, apparitors, and other officers, as from time to time there shall be occasion for, and to do and perform all other matter and things, needful and necessary, in or concerning the premises, although, by their own nature, they may require a more special warrant or mandate.

Court to appoint registers, proctors, &c.

And we do hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to appoint guardians and keepers for infants, and their estates, according to the order and course observed in that part of Great Britain called England, and also guardians and keepers of the persons and estates of natural fools, and of such as are or shall be deprived of their understanding or reason, by the act of God, so as to be unable to govern themselves and their estates, which we hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to inquire, hear, and determine, by inspection of the person, or by such other ways and means, by which the truth may best be discovered and known.

Court to appoint guardians of infants, and of insane, &c. persons, and of their estates.

And it is our further will and pleasure, and we do hereby grant, ordain, establish, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal shall be a Court of Admiralty, in and for the said provinces, countries or districts, of Bengal, Bahar, and Orissa, and all other territories and islands adjacent thereunto, and which now are or ought to be dependent thereupon. And we do hereby commit and grant to the said Supreme Court of Judicature at Fort William in Bengal full power and authority to take cognizance of, hear, examine, try, and determine all causes, civil and maritime, and all pleas of contracts, debts, exchanges, policies of assurance, accounts, charter-parties, agreements, loading of ships, and all matters and contracts which, in any manner whatsoever, relate to freight, or money due for ships hired and let out, transport money, maritime usury or bottomry, or to extortions, trespasses, injuries, complaints, demands, and matters, civil and maritime, whatsoever, between merchants, owners, and proprietors of ships and vessels, employed or used within the juris-

Supreme Court to be a Court of Admiralty.

Their power, and in what causes to proceed.

Extent of jurisdiction, which is to be exercised as in Great Britain, without the strict formalities of law.

diction aforesaid, or between others, contracted, done, had, or commenced, in, upon, or by the sea or public rivers, or ports, creeks, harbours, and places overflown, within the ebbing and flowing of the sea and high-water mark, within, about, and throughout the said three provinces, countries or districts, of Bengal, Bahar, and Orissa, and all the said territories or islands adjacent thereunto, and dependant thereupon, the cognizance whereof doth belong to the jurisdiction of the Admiralty, as the same is used and exercised in that part of Great Britain called England, together with all and singular their incidents, emergents, and dependencies, annexed and connexed causes whatsoever; and to proceed summarily therein, with all possible dispatch, according to the course of our Admiralty of that part of Great Britain called England, without the strict formalities of law, considering only the truth of the fact, and the equity of the case.

Further power in regard to crimes maritime.

And we do further commit to the said Supreme Court of Judicature at Fort William in Bengal full power and authority to inquire, hear, try, examine, and determine, by the oaths of honest and lawful men, being our British subjects,(1) resident in the said town of Calcutta, and not otherwise, all treasons, murders, piracies, robberies, felonies, maimings, forestalling, extortions, trespasses, misdemeanors, offences, excesses, and enormities, and maritime crimes whatsoever, according to the laws and customs of the Admiralty, in that part of Great Britain called England, done, perpetrated, or committed upon the high seas, within the limits and jurisdiction aforesaid; (2) and to fine, imprison, correct, punish, chastise, and reform parties guilty, and all violators of the law, usurpers, delinquents, contumacious absenters, masters of ships, mariners, rowers, fishers, shipwrights, and other workmen, exercising any kind of maritime affairs, according to the said civil and maritime laws, ordinances, and customs, and their respective demerits; and to deliver and discharge persons imprisoned in that behalf, who ought to be delivered, and to take recognizances, obligations, stipulations, and cautions, as well to our use as at the instance of other parties, and to put the same in execution, or to cause or command them to be executed; and also to arrest, or cause or command to be arrested, according to the civil law, and the ancient customs of our High Court of Admiralty, in that part of Great Britain called England, all ships, persons, things, goods, wares, and merchandizes, for the premises, and every of them, and for other causes whatsoever concerning the same, wheresoever they shall be met with or found, in or throughout the said districts and jurisdictions aforesaid; and to compel all manner of persons in that behalf, as the case shall require, to appear and answer in the said Court, with power of using any temporal coercion, and inflicting mulcts and penalties, according to the laws and customs aforesaid; and moreover to compel witnesses, in case they should withdraw themselves for interest, fear, favour, or ill-will, or other cause whatsoever, to give evidence to the truth, in all or every the cause or causes above-mentioned, according to the exigencies of the law, and to proceed in such cause or causes, according to the civil and maritime laws and customs, as well as of mere office mixed, or promoted, at the instance of any party, as the case may require; and to promulge and interpose all manner of sentences and decrees; and put the same in execution, according to the course and order of the Admiralty, as the same is now used in that part of Great Britain called England.

To punish offenders,

and to deliver and discharge them.

May arrest ships, &c.

To compel persons to appear, under penalties.

Witnesses to answer according to the law, civil and maritime, as is now used in Great Britain.

(1) [See 7 Geo. 4, cap. 37, and 2 & 3 Wm. 4, cap 117.]

(2) [By 33 Geo. 3, cap. 52, sec. 156, the jurisdiction of the Court is extended to crimes committed upon any part of the High Seas.]

Affidavits and affirmations in the Court of Admiralty.

And we do hereby ordain and appoint, that all affidavits taken in the said Supreme Court of Judicature at Fort William in Bengal, or before any justice thereof, shall be made on oaths, administered in such form and manner as is before directed in the case of witnesses to be examined before the said Supreme Court of Judicature at Fort William in Bengal. (1) And that in all civil cases, the affirmation in writing of a Quaker, which the said Court, or any Justice of the said Supreme Court of Judicature at Fort William in Bengal, as the case may require, are hereby authorized and empowered to take, shall be of the same weight, authority, and effect, as an affidavit upon oath. (1) Provided always, that the several powers and authorities hereby to proceed in maritime causes, and according to the laws of the Admiralty, shall extend, and be construed to extend, only to the subjects of us, our heirs or successors, who shall reside in the kingdoms or provinces of Bengal, Bahar, and Orissa, or some of them,

and to persons who shall, when the cause of suit or complaint shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the service of the said United Company, or of any of our subjects.

(1) [See 9 Geo. 4, cap. 74, secs. 36 & 37.]

Fines, &c. reserved to the King.

And we do hereby reserve to ourselves, our heirs and successors, all amerciaments, fines, ransoms and forfeitures, to be set and imposed by the said Supreme Court of Judicature, at Fort William in Bengal, or otherwise incurred: provided always, that it shall be lawful, and we hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to make such satisfaction to prosecutors of informations or indictments, as to the said Supreme Court of Judicature at Fort William in Bengal shall seem reasonable and fit, out of any fine, to be by them set or imposed, upon any person or persons, who shall be convicted on such prosecutions.

Satisfaction to be made to prosecutors out of fines set by the Court.

Appeal allowed to the King in Council from the Supreme Court, in civil causes, by petition to that Court.

And it is our further will and pleasure, and we do hereby direct, establish and ordain, that if any person shall find him, her, or themselves aggrieved, by any judgment, decree, order or rule of the said Supreme Court of Judicature at Fort William in Bengal, in any case whatsoever, it shall and may be lawful for him and them to appeal to us, our heirs or successors, in our or their Privy Council, in such manner and under such restrictions and qualifications as are hereinafter mentioned, that is to say, in all judgments, decrees, or decretal orders, made by the said Supreme Court of Judicature at Fort William in Bengal in any civil cause, the party and parties against whom, or to whose immediate prejudice, the said judgment, decree, or decretal order shall be or tend, may, by his or their humble petition, to be preferred for that purpose to the said Supreme Court of Judicature at Fort William in Bengal, pray leave to appeal to us, our heirs or successors, in our or their Privy Council, stating in such petition the cause or causes of appeal; and in case such leave to appeal shall be prayed by the party or parties, who is or are directed to pay any sum of money, or to perform any duty, the said Supreme Court of Judicature at Fort William in Bengal shall, and is hereby empowered to award, that such judgment, decree, rule or order, shall be carried into execution, or that sufficient security shall be given for the performance of the said judgment, decree, rule or order, as shall be most expedient to real and substantial justice; provided always, that where the said Supreme Court of Judicature at Fort William in Bengal shall think fit to order the judgment, decree, rule or order, to be executed, security shall be taken from the other party or parties, for the due performance of such order or decree, as we, our heirs or successors, shall think fit to make thereupon. And in all cases we will and require, that security should also be given to the satisfaction of the said Supreme Court of Judicature at Fort William in Bengal, for the payment of all such costs as the said Supreme Court of Judicature at Fort William in Bengal may think likely to be incurred by the said appeal, and also for the performance of such judgment or order as we, our heirs or successors, shall think fit to give or make thereupon. And upon such order or orders of the said Supreme Court of Judicature at Fort William in Bengal thereupon made, being performed to their satisfaction, the said Supreme Court of Judicature at Fort William in Bengal shall allow the appeal, and the party or parties, so thinking him, her, or themselves aggrieved, shall be at liberty to prefer and prosecute his, her, or their appeal, to us, our heirs or successors, in our or their Privy Council, in such manner and form, and under such rules, as are observed in appeals made to us from our plantations or colonies, or from the islands of Guernsey, Jersey, Sark, and Alderney.

Security on such appeal, for costs and for performance of judgment.

Supreme Court on such appeal to transmit a copy of all evidence.

And it is our further will and pleasure, and we do hereby direct and ordain, that in all such cases the said Supreme Court of Judicature at Fort William in Bengal shall certify and transmit, under the seal of the said Supreme Court of Judicature at Fort William in Bengal to us, or our heirs or successors, our or their Privy Council, a true and exact copy of all the evidence, proceedings, judgments, decrees and orders, had or made in such causes appealed.

In criminal suits the Court may allow or deny appeal, and regulate the terms.

And it is our further will and pleasure, that in all indictments, informations, and criminal suits and causes whatsoever, the said Supreme Court of Judicature at Fort William in Bengal shall have the full and absolute power and authority to allow, or deny, the appeal of the party pretending to be aggrieved, and also to award, order and regulate the terms upon which such appeals shall be allowed, in such cases in which the said Supreme Court of Judicature at Fort William in Bengal may think fit to allow such appeal.

Reservation of power in the King to refuse an appeal.

And we do hereby also reserve to ourself, our heirs and successors, in our or their Privy Council, full power and authority, upon the humble petition of any person or persons aggrieved by a judgment, decree or decretal, or other order or rule of the said Supreme Court of Judicature at Fort William in Bengal, to refuse or admit his, her, or their appeal therefrom, upon such terms, and under such limitations, restrictions, and regulations, as we or they shall think fit, and to reform, correct, or vary such judgment, decree or orders, as to us or them shall seem meet. And we do further direct and ordain, that the said Supreme Court of Judicature at Fort William in Bengal, shall in all such cases conform and execute, or cause to be executed, such judgments and orders as we shall think fit to make in the premises, in such manner as any original judgment, decree or decretal, or other order or rule by the said Supreme Court of Judicature at Fort William in Bengal, should or might have been executed: provided always, that no appeal shall be allowed by the said Supreme Court of Judicature at Fort William in Bengal, unless the petition for that purpose shall be preferred within six months from the day of pronouncing the judgment, decree or decretal order complained of, and unless the value of the matter in dispute shall exceed the sum of one thousand pagodas. (1)

Court to execute judgments and orders of his Majesty.

No appeals to be allowed except the petition shall be preferred within six months, and unless the matter shall exceed 1,000 pagodas.

(1) [On the subject of appeal see 3 & 4 Wm. 4, cap. 41. By order in Council dated 10th April, 1838, the sum of 10,000 Company's rupees is fixed as the *minimum* for which an appeal from any Court in India may be preferred as matter of right.]

Governor-general and Council, Chief and other Justices, not to be arrested, except for treason or felony,

Provided also, and we do hereby limit and declare, that the person or persons of the Governor-general, or of any of the Council, appointed in and by the above-recited Act of Parliament, or of the Chief Justice, or any of the Justices of the said Supreme Court of Judicature at Fort William in Bengal, hereby erected and created, shall not, nor shall any of them respectively, be subject or liable to be arrested or imprisoned, upon any action, suit, or proceeding in the said Court, except in cases of treason or felony; nor shall the said Supreme Court of Judicature at Fort William in Bengal, be competent to hear, try and determine, any indictment or information, against the said Governor-general, or any of the said Council for the time being, for any offence, not being treason or felony, which the said Governor-general, or any of the said Council, shall or may be charged with having committed in Bengal, Bahar, or Orissa, any thing herein-before contained to the contrary notwithstanding; but in all such cases above-mentioned, wherein a *capias*, or process, for arresting the body is hereby given and provided, it shall and may be lawful for the said Supreme Court of Judicature at Fort William in Bengal to order the goods and estate of such persons to be seized and sequestered, until he or they shall respectively appear and yield obedience to the judgment, decree or decretal, or other order or rule of the said Court.

their goods and estates may be seized and sequestered.

Court-room for holding Supreme Court to be provided.

And it is our further will and pleasure, and we do hereby direct, ordain, and appoint, that the said Chief Justice, and other Justices, shall respectively assemble themselves, in a proper Court or room, to be by them appointed for that purpose, forthwith after their respective arrivals at the said town of Calcutta in Bengal aforesaid; and before they shall proceed to execute the above-mentioned powers or authorities, or any of them, the said Chief Justice shall then and there take an oath, in the most solemn manner, that he will, to the best of his knowledge, skill, and judgment, duly and justly execute the office of Chief Justice of the said Supreme Court of Judicature at Fort William in Bengal, and impartially administer Justice in every cause, matter, or thing which shall come before him; and shall also take the oath of allegiance and supremacy, and make and subscribe the declaration against transubstantiation, in such manner and form as the same are by law appointed to be taken or made in Great Britain, of which oaths a record shall be forthwith made: and we do hereby authorize the said Puisne Justices, or so many of them as shall be so assembled, to administer the said oaths and declarations, and make such record thereof accordingly; after which the said Puisne Justice, or so many of them as shall then and there be present, shall take the like oaths, and make and subscribe the like declarations, only changing what ought to be changed for that purpose, before the said Chief Justice, of which oaths also a record shall be forthwith made: and we do hereby authorize the said Chief Justice to administer the said oaths and declarations, and record the same accordingly; or if the said Chief Justice, or any other of the said

Chief Justice to be sworn.

Puisne Justices to be sworn.

Justices, shall be dead, or unavoidably absent, by sickness or otherwise, we do hereby authorize the next Justice of the said Supreme Court of Judicature at Fort William in Bengal, who shall be there present, to take and administer the said oaths, and act, in all respects, as the Chief Justice should have done: and we do hereby further ordain and establish, that all and every succeeding Chief Justice and Puisne Justices shall, before he or they be capable of exercising the said office, respectively take, in open Court, the like oaths, and make and subscribe the like declaration, only changing what ought to be changed for that purpose, whereof records shall be made and filed among the other records of the Court from time to time; and after the said Chief Justice and Puisne Justices, or so many of them as shall then and there assemble and be present, shall have taken the said oaths, and made and subscribed the like declaration, the said Supreme Court of Judicature at Fort William in Bengal shall be proclaimed and published in due manner, and proceed forthwith to the execution of the several authorities hereby vested in it.

All future Justices to be sworn before they can act.

And it is our further will and pleasure, that from and after such publishing and proclaiming of the said Supreme Court of Judicature at Fort William in Bengal, the said Mayor's Court of Calcutta, at Fort William in Bengal aforesaid, granted, erected, and created, by and in the above-mentioned Charter, made in the twenty-sixth year of our said royal Grandfather, and also the Court of Record, in nature of a Court of Oyer and Terminer, and Gaol Delivery, erected and created by the said Charter, and all the authority thereby given to the President, or Governor or Council of Fort William in Bengal, to be or act as Commissioners of Oyer and Terminer, and Gaol Delivery; and every clause and article in the said Charter, which extends or relates to the establishment of the said Mayor's Court of Calcutta, at Fort William in Bengal, or the said Court of Oyer and Terminer, and Gaol Delivery, or to the civil, criminal, or ecclesiastical jurisdiction of the said Courts, or any of them, shall cease, determine, and be utterly void, to all intents and purposes whatsoever. Provided always, that no judgment, decree, decretal, or other order, rule or act, of the said Mayor's Court of Calcutta at Fort William in Bengal, or the said Courts of Oyer and Terminer and Gaol Delivery respectively, theretofore legally pronounced, given, had or done, shall be thereby avoided, but shall remain in full force and virtue, as if these presents had not been made; nor shall any indictment, information, action, suit, cause, or proceeding, depending in the said Mayor's Court of Calcutta, at Fort William in Bengal, or in the said Courts of Oyer and Terminer, and Gaol Delivery, be abated or annihilated, but the same shall be transferred, in their then present condition respectively, to, and subsist and depend in the said Supreme Court of Judicature at Fort William, to all intents and purposes, as if they had been respectively commenced in the last-mentioned Court. And we do hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal, to proceed accordingly in all such indictments, informations, actions, suits, causes, and proceedings, and to make such orders respecting the same, and also respecting any sum or sums of money belonging to the suitors, at the said Mayor's Court of Calcutta, at Fort William in Bengal, as the said Mayor's Court of Calcutta in Bengal, or the said Court of Oyer and Terminer, and Gaol Delivery, might have made, or as the said Supreme Court of Judicature at Fort William in Bengal is hereby empowered to make, in causes, commenced or depending before the said Supreme Court of Judicature at Fort William in Bengal; for which purpose it is our further will and pleasure, that all the records, muniments, and proceedings whatsoever, of or belonging to the said Mayor's Court of Calcutta, at Fort William in Bengal, or to the said Courts of Oyer and Terminer, and Gaol Delivery, shall be delivered over, deposited, and preserved among the records of the said Supreme Court of Judicature at Fort William in Bengal

Former Charter of 26 G. 2, to be void after publication of the Supreme Court.

Judgments pronounced by the Mayor's Court to be in force;

Proceedings depending in the Mayor's Court, &c. not to be abated, but transferred to the Supreme Court.

Records of the Mayor's Court, &c. to be delivered to the Supreme Court.

And we do hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal (respect being had to the seasons of the year, and the convenience of the suitors) to settle and appoint proper terms and law days, and days for sittings after term, and to proclaim, hold, and adjourn the sessions of Oyer and Terminer and Gaol Delivery, and Admiralty Sessions, as to them shall seem most expedient; provided nevertheless, that the said Supreme Court of Judicature at Fort William in Bengal, shall, and they are hereby required to appoint not less than four terms in the year, each term consisting of four weeks at the least in each year, and sittings after each term, each sitting to consist of fourteen days, if the business of the said Supreme Court of Judicature at Fort William in Bengal, be not sooner

Four terms and sittings after term to be appoined in each year.

Duration of terms and sittings.

Two sessions to be held every year.

dispatched; and that the said Supreme Court of Judicature at Fort William in Bengal, do in each year hold two sessions of Oyer and Teminer, and Gaol Delivery.

Court to frame rules of practice, &c. and transmit them to the Privy Council for approval.

And we do hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal, to frame such rules of practice, and make such standing orders, for administration of justice, and the due exercise of the civil, criminal, admiralty and ecclesiastical jurisdiction, hereby created, and to do all such other things as shall be found necessary thereunto, so as the said Supreme Court of Judicature at Fort William in Bengal, shall, from time to time transmit the same, under the seal thereof, to us, our heirs or successors, in our Privy Council, for our approbation, control or alteration: and we do hereby reserve to us, our heirs and successors, with the advice of our or their Privy Council, full power and authority to approve, reject, control, or vary the same, and to make such new and other rules of practice, and rules and orders, for the process of the said Supreme Court of Judicature at Fort William in Bengal, as to us or them shall appear fit and convenient, which we will and ordain shall be in force, from such time or times as the same shall be respectively transmitted to the said Supreme Court of Judicature at Fort William in Bengal.

All the King's officers and subjects to be obedient to the Supreme Court.

And we do further hereby strictly charge and command all our governors, commanders, magistrates, officers and ministers, civil and military, and all our faithful and liege subjects whatsoever, in and throughout the said provinces, countries or districts of Bengal, Bahar, and Orissa, and all other lands, islands or territories adjacent thereunto, and which are or ought to be dependent thereupon, that in the execution of the several powers, jurisdictions, and authorities hereby erected, created and made, they be aiding, assisting, and obedient in all things, unto the said Supreme Court of Judicature at Fort William in Bengal, as they will answer the contrary at their peril.

In witness whereof, &c.

LETTERS PATENT, *establishing a New Court of Judicature at Fort St. George in the East-Indies, bearing Date the twenty-sixth day of December, in the forty-first Year of the Reign of George the Third, one thousand eight hundred.*

The recital of various Charters and Acts of Parliament is omitted. After the recital the Charter proceeds as follows.

Establishment of a Court of Record, to be called the Supreme Court of Judicature at Madras.

Now know ye, that we, upon full consideration of the premises, and of our especial grace, certain knowledge, and mere motion, have thought fit to grant, direct, ordain, and appoint, and by these presents we do accordingly, for us, our heirs and successors, grant, direct, ordain, and appoint that there shall be, within the settlement of Fort St. George, a Court of Record, which shall be called the Supreme Court of Judicature at Madras. We do hereby create, direct, and constitute the said Supreme Court of Judicature at Madras to be a Court of Record.

To consist of a Chief Justice and two Puisne Justices.

Their qualification and mode of appointment.

And we do further will, ordain, and appoint that the said Supreme Court of Judicature at Madras shall consist of and be holden by and before one principal judge, who shall be and be called the Chief Justice of the Supreme Court of Judicature at Madras, and two other judges, who shall be and be called the Puisne Justices of the Supreme Court of Judicature at Madras; which Chief Justice and Puisne Justices shall be barristers, in England or Ireland of not less than five years' standing, to be named and appointed from time to time by us, our heirs and successors, by Letters Patent under our and their great seal of Great Britain, whilst such seal shall be used, and afterwards under our and their great seal of the United Kingdom of Great Britain and Ireland: and such Chief Justice and Puisne Justices, and all and every of them shall hold their said offices severally and respectively during the pleasure of us, our heirs and successors, and not otherwise.

And we do hereby give and grant to our said Chief Justice rank and precedence above and before all our subjects whomsoever, within the territories subject to the government of Fort St. George aforesaid; excepting the Governor-general for the time being of the presidency of Fort William in Bengal, and the Governor of Fort St. George for the time being; and, excepting all such persons as by law and usage take place in England before our Chief Justice of our Court of King's Bench. And we do hereby also give and grant to each of our said Puisne Justices respectively, according to their respective priority of nomination, rank, and precedence, above and before all our subjects whomsoever, within the territories subject to the government of Fort St. George; excepting the said Governor-general for the time being of the presidency of Fort William in Bengal, and the Governor of Fort St. George for the time being; and excepting our said Chief Justice of our said Supreme Court of Judicature at Madras, and all and every the member and members of the Council there; and also excepting all such persons as by law and usage take place in England before our Justices of the Court of King's Bench. (1)

Their rank.

(1) [By the Charter of the Supreme Court of Bombay, the Chief Justice takes precedence there of all persons except the Governor-general and the Governor of Bombay. The Governor of Fort St. George takes precedence of the Puisne Judges at Bombay, as do also the Bishop of Calcutta and the Members of the Council of Bombay. When the Charter of the Madras Court was granted, there was no Bishop's See in India, and only that of Calcutta at the time of granting the Bombay Charter.]

And it is our further will and pleasure that the said Chief Justice and the said Puisne Justices, shall severally and respectively be, and they are all and every of them hereby appointed to be, justices and conservators of the peace, and coroners within and throughout the settlement of Fort St. George, and the town of Madras, and the limits thereof, and the factories subordinate thereto, and all the territories which now are, or hereafter may be subject to or dependent upon the government of Madras aforesaid; and to have such jurisdiction and authority as our Justices of our Court of King's Bench have, and may lawfully exercise, within that part of Great Britain called England, as far as circumstances will admit.

The Court invested with a jurisdiction similar to the jurisdiction of the King's Bench in England.

And we do further will and ordain that all judgments, rules, orders, and acts of authority or power whatsoever, to be made or done by the said Supreme Court of Judicature at Madras shall be made or done with and by the concurrence of the said three Judges, or so many or such one of them as shall be, on such occasions respectively assembled or sitting as a Court, or of the major part of them so assembled or sitting. Provided always, that in case there shall be only two of such Justices present, and they shall be divided in their opinions, the Chief Justice, if present, shall have a double or casting voice; and if the Chief Justice shall be absent the matter shall abide the future judgment of the Court.

All Acts of the Court to be decided by the majority of the Judges present, with a casting voice to the president.

The provisions respecting the seal of the Court, its custody and use, are similar to those of the Charter of the Court at Fort William. Those relating to the amount of salaries are void, they being now regulated by 6 Geo. 4, cap. 85.

And we do hereby ordain, appoint, and declare, that the said salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages, whatsoever; and that no fees of office, perquisites, emoluments, and advantages, whatsoever, other than and except the said salaries, shall be accepted, received, or taken by such Chief Justice, or the Puisne Justices, in any manner, or on any account or pretence whatsoever. And we do further grant, appoint, and declare, that no Chief Justice, or other Justice of the said Supreme Court of Judicature at Madras, during the time of holding and exercising the said offices, respectively, shall be

Judges prohibited from engaging in any other office or employment, on pain of forfeiture.

capable of accepting, taking, or performing, any other office, place, or employment, of any denomination whatsoever, on pain that the acceptance of any such other office, place, or employment, shall be and be deemed, in law, *de facto*, an avoidance of his office of Chief Justice, or one of the Puisne Justices of the said Supreme Court of Judicature, as the case may be; and the salary thereof shall cease, and be deemed to have ceased accordingly, from the time of such acceptance of any other office, place, or employment. Nevertheless, in case of one of the Justices of the said Supreme Court of Judicature at Madras acting as Recorder of Bombay, during a vacancy of such office of Recorder of Bombay, (1) in pursuance of the provision in the said recited Act of the fortieth year of our reign for that purpose contained, or in case all or any of the Justices of the said Supreme Court shall be nominated or appointed by us, our heirs, or successors, commissioners for the trial and adjudication of prize causes, and other maritime questions, arising in India, we ordain and declare, that his or their appointment, as such Justice or Justices of such Supreme Court of Judicature at Madras, shall not be vacated, nor shall his or their right to his or their salary, as such Justice or Justices of the said Supreme Court, be affected, by reason of his exercising the office of Recorder of Bombay, (1) or by reason of his or their acting under any such commission as aforesaid, nor shall he or they thereby be disabled from accepting the office of Chief Justice of the said Supreme Court of Judicature at Madras.

(1) [There is now no Recorder of Bombay.]

A clause nominating the first Chief Justice and Judges is omitted.

Provision as to Sheriff.

And we do further, for us, our heirs, and successors, grant, ordain, and appoint, that the person who shall be the sheriff at Fort Saint George or Madraspatnam, at the time of the publication of this our Charter at the presidency of Fort Saint George, shall be and continue the sheriff, until another shall be duly appointed and sworn into the said office. And we do further, for us, our heirs, and successors, grant, direct, and appoint, that the Governor or President and Council of Fort Saint George aforesaid, for the time being, or the major part of them (whereof the said Governor or President, or in his absence, the senior of the Council then residing at Fort Saint George aforesaid to be one) shall yearly, on the first Tuesday in December, or as soon after as may be, assemble themselves, and proceed to the appointment of a new sheriff for the year ensuing, to be computed from the twentieth day of December, next after such appointment; which sheriff, when appointed, shall, as soon as conveniently may be, and before he shall enter upon his said office, take an oath, faithfully to execute his office, and the oath of allegiance, before the Governor, or in his absence, the senior member of the Council there present (who are hereby respectively authorized to administer the same) and shall continue in such office during the space of one whole year, to be computed from the said twentieth day of December, and until another shall be duly appointed and sworn into the said office. And in case such sheriff shall die in his office, or depart from the coast of Coromandel, then another person shall and may, as soon as conveniently may be after the death or departure of such sheriff, be, in like manner appointed and sworn in, as aforesaid, and shall continue in his office for the remainder of the year, and until another sheriff shall be duly appointed and sworn into the said office. And we do further order, direct, and appoint, that the said sheriff and his successors shall, by themselves or their sufficient deputies, to be by them appointed and duly authorized under their respective hands and seals, and for whom he and they shall be responsible during his or their continuance in such office, execute, and the said sheriff and his said deputies are hereby authorized to execute, all the writs, summonses, rules, orders, warrants, commands, and process of the said Supreme Court of Judicature at Madras, and make return of the same, together with the manner of the execution thereof, to the said Supreme Court of Judicature at Madras, and to receive and detain in prison all such persons as shall be committed to the custody of such sheriff, by the said Supreme Court of Judicature at Madras, or by the Chief Justice, or any of the said Puisne Justices of the said Court, respectively.

The Sheriff's duty defined.

And the Court is empowered to cause writs, &c. to be directed to any other person for execution, where

And we do further direct, ordain, and appoint, that whenever the said Supreme Court of Judicature at Madras shall direct or award any process against the said sheriff, or award any process in any cause, matter, or thing, wherein the said sheriff, on account of his being related to the parties, or any of them, or by reason of any good cause of challenge, which would be

allowed against any sheriff in that part of Great Britain called England, cannot or ought not by law, to execute the same, in every such case the said Supreme Court of Judicature at Madras shall name and appoint some other fit person to execute and return the same; and the said process shall be directed to the said person so to be named for that purpose, and the cause of such special proceedings shall be suggested and entered on the records of the said Court. the Sheriff is interested.

Provided always, and we hereby ordain and declare, that the said Supreme Court of Judicature at Madras shall fix certain limits, beyond which the said sheriff shall not be compelled or compellable to go in person, or by his officers or deputies, for the execution of any process of the said Court: and upon occasions where the process of the said Court shall be to be executed in any place or places beyond the said limits so to be fixed, we grant, ordain, and direct, that the Chief Justice, or one of the said Puisne Justices, shall, by order, subject to the revision and control of the said Court, or the said Court shall, upon motion, direct, by what person or persons, and in what manner, such process shall be executed, and the terms and conditions which the party issuing the same shall enter into, in order to prevent any improper use or abuse of the process of the Court. And the said sheriff shall, and he is hereby required to grant his special warrant or deputation to such person or persons, as the said Chief Justice or one of the Puisne Justices, or the said Court, may direct, for the execution of such process. And in that case we direct and declare, that the said sheriff, his executors or administrators, shall not be responsible or liable for any act to be done, in or in any ways respecting the execution of such process, under and by virtue of such special warrant: and any person or persons, being aggrieved under or by pretence of such special warrant, shall and may seek their remedy, under any security which may have been directed to be taken upon the occasion, and which the said Court, or the said Chief Justice, or Puisne Justices, are hereby authorized to direct to be taken.

Court to fix limits, beyond which the Sheriff is not bound to execute process, and provision to execute process beyond such limits.

And we do hereby further authorize and empower the said Supreme Court of Judicature at Madras to approve, admit and enrol, such and so many persons, being *bonâ fide* practitioners of the law in the said Court of the Recorder at Madras, at the time of the publication of this our Charter at Madras, or having been admitted barristers-at-law in England or Ireland, (1) or having been admitted attorneys or solicitors in one of our Courts at Westminster, or being otherwise capable, (2) according to such rules and qualifications as the said Court shall for that purpose make and declare, to act, as well in the character of advocates as of attornies in the said Court; and which persons, so approved, admitted, and enrolled, as aforesaid, shall be, and are hereby authorized to appear and plead, and act for the suitors of the said Court; subject always to be removed by the said Court from their station therein, upon reasonable cause. And we do declare, that no other person or persons whatsoever shall be allowed to appear and plead, or act in the said Supreme Court of Judicature at Madras, for and on the behalf of such suitors, or any of them. Provided always, and we do hereby further ordain and declare, that no person, from and after the date of these our Letters Patent, other than the said persons, being *bonâ fide* practitioners of the law in the said Court of the Recorder of Madras, at the time of the publication of this our Charter, shall be capable of being admitted or enrolled, or of practising in the said Court, without the licence of the said United Company for that purpose first had and obtained. (3)

Court to admit advocates and attorneys.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 115, the being entitled to practise as an advocate in the principal Courts of Scotland is a qualification for admission as an advocate for any Court in India.]

(2) [In the Bombay Charter the words "being otherwise capable" are omitted.]

(3) [By 3 & 4 Wm. 4, cap. 85, sec. 115, the Company's licence is unnecessary.]

And we do further authorize and empower the said Supreme Court of Judicature at Madras, from time to time, as occasion shall require, to appoint so many and such clerks, registers, proctors, and other ministerial officers, as shall be found necessary for the adminis-

Appointment of clerks and other officers.

tration of justice, and the due execution of all the powers and authorities which are and shall be granted and committed to the said Court, by these our Letters Patent.

Fees to be settled by the Court, subject to the revision of the Governor of Fort St. George in Council.

And we do hereby further authorize and empower the said Supreme Court of Judicature at Madras to settle a table of the fees to be allowed to such sheriff, attornies, and all other the clerks and other officers aforesaid, for all and every part of the business to be done by them, respectively, which fees, when approved by the said Governor of Fort Saint George, in Council (to whom we hereby give authority to review the same,) the said sheriff, attorneys, clerks, and other officers, shall and may lawfully demand and receive. And we do further authorize the said Supreme Court of Judicature at Madras, with the like concurrence of the said Governor in Council, from time to time, to vary the said table of fees, as there shall be occasion. And it is our further will and pleasure, and we do hereby require and enjoin the said Court, within one year after these our Letters Patent shall have been published at Madras aforesaid, and within one month from the said settling and allowance of the said table of fees, to certify, under their several hands and seals, and to transmit to the President of the Board of Commissioners for the Affairs of India, to be laid before us, our heirs, and successors, for our and their royal approbation and correction, a true copy of the said table of fees, together with the approbation of the said Governor in Council, and also any variation of the said table, to be made as aforesaid, within one month after the same shall have been so varied. And we further direct and appoint, that the said table, and the said alteration and variations thereof, (and if any alteration or variation shall be made) shall be hung up in some conspicuous part of the hall or place where the said Supreme Court of Judicature at Madras shall be publicly holden.

A true copy of the table of fees to be transmitted to the president of the Board of Commissioners for the affairs of India, to be laid before the King for his approbation and correction.

The jurisdiction of the Court defined.

And we do further direct, ordain, and appoint, that the jurisdiction, powers, and authorities of the said Supreme Court of Judicature at Madras, shall extend to all such persons as have been heretofore described and distinguished in our Charters of justice for Madras by the appellation of British subjects, who shall reside within any of the factories, subject to, or dependent upon, the Government of Madras; and that the said Court shall be competent and effectual, and shall have full power and authority to hear and determine all suits and actions whatsoever against any of our said subjects, arising in territories subject to, or dependent upon, or which hereafter shall be subject to, or dependent upon, the said Government, or within any of the dominions of the native princes of India in alliance with the said Government, or against any person or persons who at the time when the cause of action shall have arisen, shall have been employed by, or shall have been directly or indirectly in the service of the said United Company, or any of the said subjects of us, our heirs, or successors. And the said Court hereby established shall have like power and authority to hear, try, and determine all, and all manner of civil suits and actions which, by the authority of any Act or Acts of Parliament might have been heard, tried, or determined by the said Mayor's Court at Madras aforesaid, or which may now be heard, tried, or determined by the said Court of the Recorder of Madras, and all powers, authorities, and jurisdictions, of what kind or nature soever, which by any Act or Acts of Parliament may be, or are directed to be exercised by the said Mayor's Court, or by the said Court of the Recorder of Madras, shall and may be as fully and effectually exercised by the said Supreme Court of Judicature at Madras, as the same might have been exercised and enjoyed by the said Mayor's Court, or by the said Court of the Recorder at Madras.

As to the inhabitants of Madras.

And we do hereby further direct and ordain that the said Supreme Court of Judicature at Madras shall have full power to hear and determine all suits and actions that may be brought against the inhabitants of Madras. Yet nevertheless in the cases of Mahomedans or Gentoos, their inheritance and succession to lands, rents and goods, and all matters of contract and dealing, between party and party, shall be determined, in the case of the Mahomedans, by the laws and usages of the Mahomedans; and where the parties are Gentoos, by the laws and usages of the Gentoos, or by such laws and usages as the same would have been determined by if the suit had been brought and the action commenced in a Native Court; and where one of the parties shall be a Mahomedan or Gentoo, by the laws and usages of the defendant. And in all suits so to be determined by the laws and usages of the said natives, the said Court shall make such rules and orders for the conduct of the same, and frame such process for the execution of their judgments, sentences, or decrees, as shall be most consonant to the religion and manners of the said natives, and to the said laws and usages respectively, and the easy attain-

ment of the ends of justice. And in all cases such means shall be adopted for compelling the appearance of witnesses and taking their examination, as shall be consistent with the said laws and usages, so that all suits may be conducted with as much ease, and at as little expense as shall be consistent with the attainment of substantial justice.

Provided always, and we do hereby declare, that nothing in this Charter shall extend, or be construed to extend, to subject the person of the Governor-general of Fort William, or the person of the Governor or any of the Council at the said settlement of Madras, or the person of the Chief Justice, or any of the Justices respectively for the time being, to be arrested or imprisoned in any suit, action, or proceeding in the said Court; nor shall it be competent for the said Court to hear or determine, or to entertain or exercise jurisdiction in any suit or action against the Governor-general of Fort William, or the Governor or any of the Council of the said settlement, (1) for or on account of any act or order, or any other act, matter, or thing whatsoever, committed, ordered, or done by them in their public capacity, or acting as Governor-general, or Governor and Council; nor shall the said Court have or exercise any jurisdiction in any matter concerning the revenue under the management of the said Governor and Council respectively, either within or beyond the limits of the said town, or the forts or factories subordinate thereto, or concerning any act done according to the usage and practice of the country, or the regulations of the said Governor and Council. And we further will and declare that no person shall be subject to the jurisdiction of the said Court, for or by reason of being a land-owner, land-holder, or farmer of land, or of land rent, or for receiving a pension or payment in lieu of any title to or ancient possession of land, or land rent, or for receiving any compensation or share of profits for collecting rents payable to the public out of such lands or districts as are actually farmed by himself, or those who are his under tenants, by virtue of the farm, or for exercising within the said lands or farms any ordinary or local authority, commonly annexed to the possession or farm thereof, or for or by reason of his becoming security for the payment of the rents reserved, or otherwise payable out of any lands or farms, or farms of lands within the dominions subject to the said government of Madras. And no person, for or by reason of his being employed by the said Company, or the Governor and Council, or by any person deriving authority under them, or for or on account of his being employed by a native, or the descendant of a native of Great Britain, shall become subject to the jurisdiction of the said Court, in any matter of inheritance or succession to goods, or lands, or in any matter of dealing or contract between party and party, except in actions for wrongs or trespasses only. And provided also, and we do further declare that no action for wrong or injury shall lie against any person whatever, exercising a judicial office in any country Court, for any judgment, decree, or order of such Court, or against any person for any act done by or in virtue of the order of such Court. And in case any information is intended to be brought against any such person or officer, the same shall be brought and proceeded in in the same manner, and to all intents and purposes in the same form, and to the same effect, as such informations are directed to be proceeded in before the Supreme Court of Judicature at Calcutta in Bengal by an Act passed in the twenty-first year of our reign, entitled, "An Act to explain and amend so much of an Act made in the thirteenth year of the reign of his present Majesty, entitled an Act for establishing certain regulations for the better management of the affairs of the East-India Company, as well in India as in Europe, as relates to the administration of justice in Bengal, and for the relief of certain persons imprisoned at Calcutta in Bengal, under a judgment in the Supreme Court of Judicature, and also for indemnifying the Governor-general and Council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court."

Certain persons not to be arrested.

Certain cases in which the Court shall not have any jurisdiction.

(1) [In the Bombay Charter the prohibition embraces the Governor-general, the Governor of Fort St. George, the Governor of Bombay, and the Council of Bombay.]

After prescribing the mode of commencing actions, and of proceeding with them, which is similar to that at Fort William, the following clause is inserted.

Proviso, that Native witnesses are not to be called upon otherwise than they could be called upon by a Native Court.

Provided always, that no person, being a native of India, shall be compelled or compellable, or enforced, to appear in the said Court, by virtue of any summons to appear as a witness, or to appear in any other manner, or to give testimony, in any other form, than such person could or might have been called upon, to appear and give testimony before any Native Court, according to the laws and usages of the natives; and no such native shall be liable to any punishment, for any contempt in not appearing, or submitting to be sworn and examined, in any other form or manner than such person could or might have been called upon, to appear and give testimony before any such Native Court.

The Court to give judgment according to justice and right;

And we do further give to the said Supreme Court of Judicature at Madras full power and authority, upon examining and considering the several allegations of the said parties to such suit, or of the complainant alone, in case the defendant should make default after appearance, or say nothing, or confess the plaint, and on examining and considering the depositions of the witnesses, to give judgment and sentence, according to justice and right, and also to award and order such costs to be paid by either, or any of the parties, to the other or others, as the Court shall think just.

and to award execution against the goods, lands, or person of the debtor;

and to make interlocutory orders;

and in certain cases to hold to bail.

And we do further authorize and empower the said Supreme Court of Judicature at Madras to award and issue a writ, or writs, or other process of execution, to be prepared in manner before-mentioned, and directed to the said sheriff, for the time being, commanding him to seize and deliver the possession of houses, lands, or other things, recovered in and by such judgment, or to levy any sum of money which shall be so recovered, or any costs which shall be so awarded, as the case may require, by seizing and selling so much of the houses, lands, debts, or other effects, real and personal, of the party or parties against whom such writs shall be awarded, as will be sufficient to answer and satisfy the said judgment, or to take and imprison the body or bodies of such party or parties, until he, she, or they shall make such satisfaction, or to do both, as the case may require. And we direct and appoint, that the several debts to be seized as aforesaid, shall from the time the same shall be extended and returned into the said Supreme Court, be paid and payable, in such manner and form as the said Court shall appoint, and no other; and such payment, and no other, shall, from thenceforth, be an absolute and effective discharge for the said debts, and every of them respectively. And we do hereby further authorize and empower the said Supreme Court to make such further and other interlocutary rules and orders, as the justice of the proceeding may seem to require. And in case the party, so summoned as aforesaid, shall not appear upon the return of such summons, or precept, as aforesaid, according to the exigence thereof, or if the cause of action as contained in such plaint, as aforesaid, shall exceed the value of fifty pagodas, (1) or shall be in the nature of an enormous personal wrong, and in either or any of the said cases, the said Court, or the Chief Justice, or any of the Justices of the said Court, shall be satisfied, by affidavit or affirmation, to be filed of record, that the case is such as to require security, then, after return of such summons, or in lieu thereof, the said Court, or the Chief Justice, or any of the Justices of the said Court, (the orders and acts of the said Chief Justice and Justices, or any of them, in this respect, out of Court, to be subject to the review and control of the Court) is hereby authorized and empowered to award and issue a writ, or warrant, directed to the said sheriff, commanding him to arrest and seize the body of such defendant, and to have the same, at a time and place in the said writ to be specified, before the said Court, to answer the said plaint. And the said Court may, in and by the said writ or warrant, authorize the said sheriff to deliver the body of such defendant, so arrested, to sufficient bail, that such defendant shall appear, at a time and place mentioned in such writ or warrant, and in all things perform and fulfil the exigence thereof; and upon the appearance of such defendant, in and before the said Court, we do hereby authorize and empower the said Court to commit him to prison, to the said sheriff, unless and until he shall give bail, to the satisfaction of the said Court, for paying the debt, damages, and costs, which shall be recovered against him in such action, or for rendering himself to prison: and in default thereof, that the bail will pay such debt, damages, and costs for him; which bail we hereby empower the said Court to take, and thereupon to deliver the body of the said defendant to bail. And if the said sheriff shall make return upon either of the said writs of summons, or capias, that the defendant is not to be found within the jurisdiction of the said Court, and the plaintiff, or some other person, shall, by affidavit, or in the case of a Quaker, by affirmation, in writing or otherwise, to the satisfaction of the said Court, make proof, verifying the plaintiff's de-

mand, we do hereby grant, ordain, and appoint, that the said Court shall and may award and issue a writ, in the nature of a writ of sequestration, to be prepared in manner above-mentioned, and directed to the said sheriff, commanding him to seize and sequester the houses, lands, goods, effects, and debts of such defendant, to such value as the said Court shall think reasonable and adequate to the said cause of action, so verified as aforesaid, and the same to detain, till such defendant shall appear, and abide such order of the said Court, as if he had appeared on the former process. And the said Court shall and is hereby authorized and empowered, according to their discretion, either to cause the said goods to be detained in specie, or to be sold, and to give day to such defendant, by proclamation, in open Court, from time to time, not exceeding two years in the whole; and if such defendant shall not appear on the last day, which the said Court, in their discretion, shall think proper to give, it shall be lawful, and the said Court is hereby authorized to proceed, *ex-parte*, to hear, examine, and determine the said plaint and suit, or cause of action, and to give such judgment therein, and award and order such costs, as aforesaid. And if judgment shall, in such case, pass for the plaintiff, the said Court is hereby authorized and empowered to award and issue a writ to the said sheriff, to be prepared in manner above-mentioned, commanding him to sell the said houses, lands, goods, effects, and debts, so seized and sequestered, and to make satisfaction out of the produce thereof, to the plaintiff, for the duty or sum so recovered, and his costs, and to return the overplus, if any there be, after satisfying the said judgment and costs, and the expenses of the said sequestration, to such person, in whose possession the said effects were seized, or otherwise to reserve the same, for the use of the said defendant, as occasion shall require. And if such effects shall not be sufficient to produce the sum so to be recovered, and the said costs, the said Court is hereby further empowered to award and issue such process of execution for the deficiency, as is herein provided for levying money recovered by judgment, and costs; and if judgment shall, in such last-mentioned case, pass for the defendant, the said Court is authorized and empowered to award and order the costs of the said suit, and the expense of the said sequestration, and all damages occasioned thereby, to be paid by the said plaintiff to the said defendant, or his attorney, or the person in whose possession the said effects were seized; the same to be levied by such process as is hereinbefore provided for levying costs: and the said debts, from the time of their being so seized and extended, and returned into Court, shall be payable in such a manner as the said Court shall direct, and no other.

Effects of defendant not appearing or not to be found may be sequestered; and the goods sold to pay the debt when adjudged, which, after a time, the Court may do *exparte*; and if insufficient, further execution may be awarded.

(1) [In the Bombay Charter a hundred and fifty Bombay rupees.]

And we do hereby further will, direct, and ordain, that the said Court, hereby established, shall frame such process, and make such rules and orders for the execution of the same, in all suits, civil and criminal, to be commenced, sued, or prosecuted, within their jurisdiction, as shall be necessary for the due execution of all or any of the powers hereby committed thereto, with an especial attention to the religion, manners, and usages of the Native inhabitants, living within its jurisdiction, and accommodating the same to their religion, manners, and usages, and to the circumstances of the country, so far as the same can consist with the due execution of law, and the attainment of substantial justice.

Court empowered to frame rules and process.

Provided always, and we do hereby further ordain and direct, that all forms of process, and rules and orders for the execution thereof, which shall be framed by the said Court, shall be transmitted, from time to time, by the first convenient opportunity, after the same shall be so framed, to the President of the Board of Commissioners for the Affairs of India, to be laid before us, our heirs, or successors, for our and their royal approbation, correction, or refusal: and we ordain and direct, that such process shall be used, and such rules shall be observed, until the same shall be repealed or varied; and in the last case, with such variation as shall be made therein.

Forms of process and rules and orders to be transmitted to the President of the Board of Commissioners for the affairs of India, to be laid before the King for his approbation and correction.

The provisions relating to the appointment of an attorney by the Company, and the proceedings in actions to which it is a party, being similar to those in the Charter of the Court at Fort William, are omitted.

And it is our further will and pleasure, and we do hereby for us, our heirs, and successors, grant, ordain, and establish, that the said Supreme Court of Judicature at Madras shall also

An equitable jurisdiction is then given to this Court, similar

to the Court of Chancery.

be a Court of Equity, and have equitable jurisdiction over the person or persons herein-before described and specified, or limited for its ordinary civil jurisdiction as aforesaid, subject to the restrictions and exceptions herein-before, in that behalf, expressed or contained, and not otherwise; and shall and may have full power and authority to administer justice, in a summary manner, according, or as near as may be, to the rules and proceedings of our High Court of Chancery in Great Britain. And upon a bill filed to issue subpœnas and other process, under the seal of the said Court, to compel the appearance, and answer upon oath, of the parties therein complained against, and obedience to the decrees and orders of the said Court of Equity, in such manner and form, and to such effect, as our High Chancellor of Great Britain doth or lawfully may, under our great seal of Great Britain, or as near the same as the circumstances and condition of the places and persons under their jurisdiction, and the laws, manners, customs, and usages of the Native inhabitants, will admit.

The provisions for the care of the persons and estates of infants and lunatics are the same as in the Charter of Fort William.

Also criminal jurisdiction as a Court of Oyer and Terminer.

And it is our further will and pleasure, and we do hereby grant, order, ordain, and appoint, that the said Supreme Court of Judicature at Madras shall also be a Court of Oyer and Terminer and Gaol Delivery, in and for Fort Saint George, and the town of Madras and the limits thereof, and the factories subordinate thereto, and shall have and be invested with the like power and authority, as Commissioners or Justices of Oyer and Terminer and Gaol Delivery have, or may exercise in that part of Great Britain called England, to inquire, by the oaths of good and sufficient men, of treasons, murders, and other felonies, forgeries, perjuries, trespasses, and other crimes and misdemeanors, heretofore had, made, done, or committed, or which shall hereafter be had, done, or committed, within Fort Saint George, and the said town of Madras, or the limits thereof, or the factories subordinate thereto: and for that purpose to issue their warrant or precept, to be prepared in manner above-mentioned and directed to the said sheriff, commanding him to summon a convenient number, therein to be specified, of the principal inhabitants, resident in Fort Saint George, or the said town of Madras, being persons so heretofore described and distinguished as British subjects of us, our heirs, and successors, as aforesaid, to attend and serve, at a time and place therein also to be specified, as a grand jury, (1) or inquest, for us, our heirs, and successors, and present to the said Court such crimes and offences as shall come to their knowledge, and the said crimes and offences to hear and determine, by the oaths of other good and sufficient men, being persons so heretofore described and distinguished, as British subjects (1) of us, our heirs, and successors, and resident in Fort Saint George or the said town of Madras, or the limits thereof, or the factories subordinate thereto: and for that purpose to issue a summons or precept, prepared in such manner as is herein-before mentioned, and directed to the said sheriff, commanding him to summon a convenient number, to be therein specified, of such persons so heretofore described and distinguished, as British subjects, (1) as aforesaid, to try the said indictment or inquest. And if any person or persons to be summoned upon such grand or petit jury, as aforesaid, shall refuse or neglect to attend, according to such summons, and be sworn upon inquest, we do hereby further empower the said Supreme Court of Judicature at Madras to punish the said contempt, by fine, or by imprisonment for a reasonable time, to be limited, or by both. And we do further empower the said Supreme Court of Judicature at Madras, in like manner, and under the like penalties, to cause all such witnesses as justice shall require, to be summoned, and to administer to them, and each of them, the proper oaths, (1) that is to say; to such as profess the Christian religion, an oath in such manner and form as the same would have been administered in England; and to others, such oaths, and in such manner, as the said Court shall esteem to be most binding upon their consciences; and to proceed to hear, examine, try, and determine the said indictments and offences, and to give judgment thereupon, and to award execution thereof, and in all respects to administer criminal justice, in such or the like manner and form, or as nearly as the condition and circumstances of the place and the persons will admit of, as our Courts of Oyer and Terminer and Gaol Delivery do or may in that part of Great Britain called England, due attention being had to the religion, manners, and usages of the Native inhabitants.

(1) [On juries, and also on oaths, information will be found in the notes on the Charter of the Supreme Court at Fort William.]

Criminal jurisdiction as to offences committed by any of the King's subjects in the territories of foreign princes.

And we do further authorize and empower the said Supreme Court of Judicature of Madras, in like manner, to inquire, hear, and determine, and to award judgment and execution of, upon, and against all treasons, murders, felonies, forgeries, perjuries, crimes, extortions, misdemeanors, trespasses, wrongs, and oppressions, had, done, or committed, or which shall hereafter be had, done, or committed, by any of our subjects, in any of the territories subject to, or dependent upon the government of Madras, or within any of the territories which now are, or hereafter may be, subject to, or dependent upon the said government, or within any of the dominions of the native princes of India in alliance with the said government; and for that purpose to award and issue a writ or writs to the said sheriff, prepared in manner before-mentioned, commanding him to arrest and seize the body or bodies of such offender or offenders, and bring him or them to Fort St. George aforesaid, and him or them to keep, until he or they shall be delivered by due course of law, and to do all other acts which shall be necessary, as well for the due administration of criminal justice, as for any other purpose or purposes, in as ample manner and form as might have been done by the Court of Oyer and Terminer at Fort St. George, as established by the said Charter of Justice, so granted as aforesaid by our said royal grandfather, or by the said Charter so granted by us as herein-before mentioned, or by virtue or under the authority of any Act or Acts of Parliament relative thereto, and in such manner and form, as nearly as the circumstances and condition of the case will admit of, as our Court of Oyer and Terminer and Gaol Delivery may do in that part of Great Britain called England. And we further ordain and establish, that in any case it shall not be lawful for any offender to object to the locality of the jurisdiction of the Court, or of the grand or petit jury summoned as hereby directed; but he shall be indicted, arraigned, tried, convicted and punished, or acquitted or demeaned, in all respects as if the crime had been committed within Fort St. George or the town of Madras, or the limits thereof, or the factories subordinate thereto.

Exception of the Governor and Council of Fort St. George, in certain cases, from the criminal jurisdiction.

Provided always, and we do hereby declare, that the said Court shall not be competent to hear, try, and determine, any indictment or information against the Governor-general of Fort William in Bengal, or the Governor, or any of the Council of Fort St. George, (1) not being for treason or felony, which the Governor-general, or Governor, or any of the Council shall or may be charged with having committed within the jurisdiction of the same.

(1) [In the Bombay Charter the excepted persons are the Governor-general, the Governor of Fort St. George, the Governor of Bombay, and the Members of the Council of Bombay.]

A clause, not inserted here, gives the Court a power of reprieve and suspension of the execution of sentence, similar to that possessed by the Court at Fort William. See the Charter of that Court and a note thereon.

After clauses conferring ecclesiastical jurisdiction and making provision for administration by executors, next of kin, or creditors (as at Fort William), the Charter proceeds thus:

And for want of any creditor appearing, then to the Register of the said Court, in such manner, and subject to such power of revocation as in and by the said recited Act of Parliament, passed in the fortieth year of our reign, is for that purpose provided. (1)

(1) [The Charter of Bombay refers also to the 55 Geo. 3, cap. 84.]

The provisions for taking and enforcing security in the case of administrators do not differ essentially from those at Fort William; but the bond required by

administrators is to be given to the Registrar or Chief Clerk instead of the Junior Judge.

The next clause is the following:

The Court may grant administration of effects at the settlement, though left by persons who died out of the settlement.

And whereas many persons possessed of, or entitled to, money or effects within the limits of the jurisdiction hereby given to the said Supreme Court of Judicature at Madras, may die in other parts or countries, in aid therefore of the executors or next of kin and creditors of the persons so dying not within the said limits, we further, for us, our heirs and successors, grant and ordain, that the said Supreme Court of Judicature at Madras shall and may grant such probates of wills, and letters of administration of any person dying out of the limits of the said jurisdiction, and leaving effects within the said limits, as the said Court is authorized to grant in case of a person dying within the said limits, so far as may relate to such money or effects, as the person so dying was possessed of or entitled to at the time of his decease, within the limits of their said jurisdiction, and no farther.

By clauses, which it is not necessary to insert, Admiralty jurisdiction is conferred similar to that given to the Supreme Court at Fort William, as enlarged by the 33 Geo. 3, cap. 52.

Power for the Court to appoint Commissioners to take affidavits, &c.

And we do hereby further will, ordain, and declare, that it shall and may be lawful, to and for the said Supreme Court of Judicature at Madras, in any part of its jurisdiction, whether common law, equity, ecclesiastical or admiralty, by commission or commissioners, under the seal of the said Court, to authorize and appoint any fit or proper person or persons, either generally, or in any particular case, or for one or more turn or turns only, to receive the acknowledgments of recognizances of bail and bail process, and to administer oaths for the justification of bail, and for the taking of any affidavit or affirmation, or for receiving and taking the answer, plea, demurrer, disclaimer, or examination of any party or parties to any suit, or for the examination of any witness or witnesses, upon interrogatories, either *de bene esse* or in chief, or any other occasion, and for the swearing executors and administrators in any suit, matter, or proceeding, which may be pending, or about to be instituted in the said Court, upon such occasions as the said Court shall think fit to issue such commissions. And we direct and ordain, that such commission and commissions, so to be issued, shall respectively be executed, acted under, and returned, if the same shall require any return, in such manner and form as such matters are usually transacted by commissions, general or special, issued out of our Court of King's Bench at Westminster, or our High Court of Chancery, or the Ecclesiastical Court of the Diocese of London, or our High Court of Admiralty in England, respectively. Provided always, that nothing herein contained shall extend to authorize or empower the issuing of any commission or commissions, for the examination of any witness or witnesses, upon any indictment or information for any offence whatsoever, to be tried and determined by and before the said Court.

Suitors' money and securities to be deposited with the Company's cash.

And we do further will and ordain, that all the monies, securities, and effects of the suitors of the said Court, which shall be ordered into Court, or to be paid, delivered, or deposited for safe custody, shall be paid or delivered unto, or deposited with the Governor, or President and Council at Fort St. George, to be by them kept, and deposited with the cash and effects of the said Company, subject to such orders and directions as the said Supreme Court of Judicature at Madras shall from time to time think fit to make concerning the same, for the benefit of the suitors; the said United Company being responsible for the said monies, securities, and effects, in such manner, and subject to the same exceptions, as is mentioned in the said in part recited Charter of our said royal grandfather, with respect to the monies, securities, or effects, to be deposited with the said Governor, or President and Council, under the authority of the Mayor's Court thereby erected.

An accountant-general to be appointed by the Court of Directors.

And we do, for us, our heirs, and successors, give and grant unto the Court of Directors of the said Company, or the major part of them, full power and authority, from time to time, to name and appoint an officer, under the name of the Accountant-general of the Supreme Court of Judicature at Madras, and the same at their pleasure to remove, and another to appoint, who shall act, perform, and do all matters and things necessary to carry into execution the orders of the said Court, relating to the payment or delivery of the suitors' money, effects,

and securities, unto the Governor, or President and Council of the said United Company of Fort St. George, and taking the same out again, and keeping the accounts with the said Governor and Council, and Register, of the said Supreme Court of Judicature at Madras, and other matters relating thereto, under such rules, methods, and directions, as shall from time be made and given, under the hands of thirteen or more of the Court of Directors of the said Company; which rules, methods, and directions, we will and direct, shall be according to such rules, methods, and directions, as are observed by the Accountant-general of our High Court of Chancery in Great Britain, or as near thereto as may be, and as the situation and circumstances of affairs will permit.

By a clause following the above, Courts of Requests and Quarter Sessions are brought under the jurisdiction of the Supreme Court, as at Fort William.

Other clauses, giving, restricting, and regulating the power of appeal, correspond with those in the Charter of the Supreme Court at Fort William, as also those directing the Chief Justice and Judges to be sworn.

By others, the Charter of the Recorder's Court is revoked, and the transfer of its authorities and records ordered. The following clauses succeed:

Court to settle proper terms, &c.

And it is our further will and pleasure, and we do hereby authorize and empower the said Supreme Court of Judicature at Madras (respect being had to the seasons of the year and the convenience of the suitors) to settle and appoint proper terms and law days, and days for sittings after term, if necessary, and to change and vary such appointments as occasion shall require, and to proclaim, hold, and adjourn the sessions of Oyer and Terminer and Gaol Delivery, and Admiralty Sessions as to them severally shall seem most expedient.

The Oyer and Terminer shall be held four times a year.

Provided nevertheless, that the said Court shall, and is hereby required, in each year to hold at the least four sessions of Oyer and Terminer and Gaol Delivery, within and for its limits, and more if the same shall be found necessary for the convenience of the said settlement of Madras, and the ends of public justice.

Rules to be transmitted to the President of the Board of Commissioners for the affairs of India.

Provided also, and it is our further will and pleasure, and we do hereby require and enjoin the said Court, as soon as any rules shall have been made for the appointment of terms, or law days, or for the variation of such appointment, by the first convenient opportunity after making or varying the same, to transmit a copy thereof, under the hands and seals of the Judges of the said Court, to the President of the Board of Commissioners for the affairs of India, to be laid before us, our heirs or successors, for our and their royal approbation and correction. And we ordain and direct, that such appointments shall be kept and observed, until the same shall be altered by us, our heirs, or successors, and then with such variation or alteration as we, our heirs or successors, shall cause to be made therein. Provided also, and we do hereby further will and ordain that after the said terms and law days shall once have been fixed by the said Court of the Recorder of Madras, no variation to be made therein by the said Court shall take effect until such variation shall have been approved and confirmed by us, our heirs or successors.

Provided always, and we do hereby direct and declare, that in all cases in which the person or persons of the Governor-general of Fort William, the Governor or President of Fort St. George, or any of the councillors of the said Presidency, or the Chief Justice, or any of the Puisne Justices of the said Supreme Court of Judicature at Madras(1) is and are hereby declared not to be subject or liable to be arrested or imprisoned as aforesaid, and wherein a capias or process for arresting the body is hereby given and provided against other persons, it shall and may be lawful for the said Courts hereby established, respectively to order the goods and estates of such persons so exempted from arrest and imprisonment as aforesaid, to be seized and sequestered, or sold, if need be, until he or they respectively shall appear and yield obedience to the judgment, decree, or decretal, or other order or rule of the said Court.

(1) [In the Bombay Charter the Governor-general, the Governor or President of Fort Saint George, the Governor or President of Bombay, the Councillors of Bombay, the Chief Justice and Puisne Judges of Bombay.]

Provided always, and we do hereby direct and declare, that all offences committed by, or charged upon the said Chief Justice or any of the Puisne Justices of the said Supreme Court of Judicature at Madras, respectively shall be heard, tried, and determined in the same manner as if the same were committed by, or charged upon any of the Judges of the Supreme Court of Judicature at Calcutta.

General clause as to powers of the new Courts to try all causes which may now be tried at Fort St. George.

And it is our further will and pleasure, and we do hereby grant and declare, the said Supreme Court of Judicature at Madras shall have full power and authority to hear, try, and determine all and all manner of suits and actions, either civil or criminal, which by the authority of any Act or Acts of Parliament, or under the authority of our said Letters Patent of the thirty-eighth year of our reign, may now be tried or determined by the said Court of the Recorder at Madras; and that all powers, authorities, and jurisdictions, of what kind or nature soever, which by any Act or Acts of Parliament, or by the said Letters Patent, may be or are directed to be exercised by the said Court of the Recorder of Madras, shall and may be as fully and effectually exercised by the said Supreme Court of Judicature at Madras, as the same might have been exercised and enjoyed by the said Court of the Recorder of Madras.

Grants of fines to the East-India Company.

And furthermore, we, of our further especial grace, certain knowledge, and mere motion, have given and granted, and by these presents, for us, our heirs, and successors, do give, grant, and confirm, unto the said United Company of Merchants of England, trading to the East-Indies, and their successors, all such fines, amerciaments, forfeitures, penalties, or parts of penalties, and sums of money, whatsoever, as have heretofore been ordered, charged, adjudged, set, imposed, or awarded, upon or against any person or persons whomsoever, in or by any Court of Justice or person at Madras, having lawful authority to order, charge, adjudge, set, impose, or award the same; and all such fines, amerciaments, forfeitures, penalties, or parts of penalties, and sums of money, which hereafter, during all the residue of the term of the continuance of the said United Company's exclusive trade, shall be ordered, adjuged, set, imposed, or awarded, upon or against any person or persons whatsoever, in or by the said Court, hereby established, or by any Court of Oyer and Terminer and Gaol Delivery, or General Court of Quarter Sessions, or by any of the Justices of the Peace, Commissioners of Oyer and Terminer or Gaol Delivery for the said presidency of Madras, or any of them, or by any person or persons there, having lawful authority to order, charge, adjudge, set, impose, or award the same, for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures, whatsoever, to have, hold, receive, levy, sue for, recover, and enjoy the same, to the said United Company and their successors, for ever, in as large and ample manner, to all intents and purposes, as we, our heirs, or successors, could or might have had held, received, levied, sued for, recovered, and enjoyed the same, if these presents had not been made, without any account, or other matter or thing to be rendered or paid for the same, unto us, our heirs, or successors; subject, nevertheless, to the several powers and authorities by these our letters granted to, or vested in, the said Court, hereby established, to discharge, mitigate, or set over, any of such fines, amerciaments, forfeitures, penalties, or sums of money, respectively, according to the true intent and meaning hereof.

Power for the Courts to make satisfaction to prosecutors out of fines.

Provided always, nevertheless, that it shall and may be lawful, and we hereby authorize and empower the said Supreme Court of Judicature at Madras to make such satisfaction to prosecutors of informations or indictments, as to the said Court shall seem reasonable and fit, out of any fine or fines to be set or imposed upon any person or persons who shall be convicted upon such proceedings, respectively, and to order and direct such satisfaction to be paid accordingly, as hereinafter directed.

Power given to the East-India Company to recover the fines.

And we do hereby, for us, our heirs, and successors, give and grant unto the said Company, full power and authority to sue for, recover, and levy, all and every the said fines, amerciaments, forfeitures, penalties, and sums of money, by any action or actions of debt to be brought in the said Court, hereby established, or by such other suits, actions, ways, means, and proceedings, as may be lawfully had and prosecuted in the said Court, in their corporate name, or by any other lawful ways or means, either in the name of us, our heirs, or successors, or of the said United Company of Merchants of England trading to the East-Indies, or their successors; and to collect, take, seize, and levy the said fine, amerciaments, forfeitures, penalties, and sums of money, in and by these presents granted, or mentioned to be granted, from time to time, by the proper officers and ministers of the said United Company of Merchants of England trading to the East-Indies, and their successors, to the only proper use

and behoof of them and their successors, without any writ, warrant, or other process of the Exchequer, of us, our heirs, and successors, or any other Court or Courts, whatsoever and wheresoever to be had and obtained in that behalf, any usage or custom to the contrary thereof, in anywise, notwithstanding: subject, nevertheless, to such orders as the said Court, hereby established, shall respectively make, in favour of prosecutors, as herein-before directed.

And we do hereby, for us, our heirs and successors, direct, authorize, and command the Chief Justice, and other Justices of the said Court hereby established at Madras, and all Justices of the Peace, Commissioners of Oyer and Terminer and Gaol Delivery, now and for the time being, all sheriffs and other officers and ministers and others therein concerned respectively, by virtue of these our Letters Patent, to cause to be paid over to the said United Company of Merchants of England trading to the East-Indies and their successors, from time to time, all such fines, amerciaments, forfeitures, penalties, and sums of money as shall be set or imposed upon, or be forfeited, or accrued due, by or from any person or persons as aforesaid: and the same shall be paid or satisfied by such person or persons accordingly, or otherwise shall and may be recovered and levied by any of the ways and means before-mentioned: subject, nevertheless, to such orders as shall be made for the satisfaction of prosecutors as herein-before directed. And we do by these presents, for us, our heirs and successors, declare and grant, that such payments, so to be made, shall be as full and sufficient a discharge, to all intents and purposes, to the said Chief Justice, and other Justices of the said Supreme Court of Judicature at Madras, Justices of the Peace, Commissioners of Oyer and Terminer and Gaol Delivery, and the said respective officers and ministers, and all and every other person and persons, as if such payments had been made to us, our heirs and successors, at the receipt of our or their exchequer.

Provision for recovery of fines.

And to the intent that the ends of justice may not be frustrated or delayed by the want of a due remedy to enforce the payment of the said fines, amerciaments, forfeitures, penalties and sums of money, we hereby will and direct, that the Commissioners of the said Court of Oyer and Terminer and Gaol Delivery, and the Justices of the Peace in their Courts of Quarter Sessions shall, by themselves, or by the proper officers of the said Court, in every term next after the holding of the said Courts respectively, deliver into the said Court hereby established, upon oath, an estreat roll of all fines, amerciaments, forfeitures, penalties and sums of money, which shall have been set, imposed, lost, or forfeited, by any person or persons whatsoever, at or by or before the said Courts, or any of them, or by or before any of the said Commissioners or Justices of the Peace, during the time of the holding any of the said Courts of Oyer and Terminer and Gaol Delivery, or Quarter Sessions, at any period subsequent to the time when the next preceding Courts aforesaid were last holden respectively. And that it shall and may be lawful for the said Court hereby established to award and issue such process against the persons liable to the payment thereof, in order to the recovery of the same, in aid and for the use of the said Company, or otherwise, according to the circumstances of the case, to discharge or mitigate the same, as our Court of Exchequer in England, or the Chancellor and Barons thereof may or can lawfully do upon estreats of the green-wax in England; with power also to the said Court hereby established, by any rule or order, to cause a share or proportion of any fine imposed on any person or persons, for any delinquency or misdemeanor prosecuted to judgment, to be paid over to the prosecutor, towards defraying his expenses occasioned thereby, as such Court shall, in its discretion, think fit or expedient.

In conclusion, all the King's officers and subjects are required to be aiding, assisting, and obedient, as in the Charter of Fort William.

LETTERS PATENT, *establishing the Supreme Court of Judicature at Bombay, in the East-Indies, bearing Date the eighth Day of December, in the fourth Year of the Reign of George the Fourth, one thousand eight hundred and twenty-three.*

These Letters Patent correspond almost entirely with those establishing the Supreme Court at Madras. Any points of difference deserving notice have been referred to in the notes upon that Charter.

Letters Patent, *establishing the Court of Judicature at Prince of Wales' Island, Singapore, and Malacca, in the East-Indies, bearing Date the twenty seventh Day of November, in the seventh year of the reign of George the Fourth, one thousand eight hundred and twenty-six.*

These Letters commence by reciting various Charters and Acts of Parliament. It is also recited, that the East-India Company, having annexed Singapore and Malacca to Prince of Wales' Island, had petitioned the Crown to accept the surrender of the Charter of the former Court of Judicature of Prince of Wales' Island, and to grant a new one, with which prayer the Crown was pleased to comply.

The clause following succeeds to the recital:

Court of Judicature of Prince of Wales' Island established.

Now we, having considered the premises, of our special grace, certain knowledge, and mere motion, have given and granted, and by these presents do, for us, our heirs, and successors, give and grant unto the said United Company and their successors, and by these presents we, for us, our heirs and successors, do grant, direct, ordain, and appoint, that there shall be within the settlement of Prince of Wales' Island, Singapore, and Malacca, and the places now, or at any time to be, subordinate or annexed thereto, a Court of Record, which shall be called "The Court of Judicature of Prince of Wales' Island, Singapore, and Malacca." And we do hereby erect, create, and constitute the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, to be a Court of Record.

To consist of the Governor and the resident counsellor, and one other judge, to be called the Recorder of Prince of Wales' Island.

And we do further will, ordain, and appoint, that the said Court of Judicature shall consist of, and be holden before, the Governor or President and the resident Counsellor for the time being, of the station where the said Court shall be held, as two of the Judges of the said Court, and before one other Judge, who shall be called "the Recorder of Prince of Wales' Island, Singapore and Malacca," and which Recorder shall be a barrister in England or Ireland of not less than five years' standing, to be named and appointed from time to time by us, our heirs and successors, by Letters Patent under our and their great seal of the United Kingdom of Great Britain and Ireland.

And we do ordain, that the said Governor or President, and the resident Counsellor of the station where the said Court shall from time to time be held, shall at all times be Judges of the said Court, and shall hold their said offices of Judges, severally, during all such time as they shall severally hold and exercise the offices of Governor or President and Counsellor, respectively, of the said settlement. Provided always, and we hereby declare, that in case at any time there shall be more than one Counsellor present at either of the said stations, besides the Governor or President, then that the Governor or President and the resident Counsellor only, if he shall be there, shall be Judges of the said Court; and if the resident Counsellor shall not be present, then that the Governor or President and the senior Counsellor present, according to his rank in the said Council, shall be Judges of the said Court. And we further direct, that the said Recorder of Prince of Wales' Island, Singapore, and Malacca, shall hold his office during the pleasure of us, our heirs and successors.

Their rank.

And we do hereby further give and grant to the said Governor or President for the time being, rank and precedence above and before all our subjects whomsoever, within the said settlement of Prince of Wales' Island, Singapore, and Malacca, and the places now or at any time hereafter to be subordinate or annexed thereto; excepting the Governor-general for the time being of Fort William in Bengal, if he shall happen to be at any time within the said settlement or places aforesaid. And we do hereby also give and grant to each of the said three Counsellors respectively, being Judges of the said Court, according to the order of

rank they shall hold in the said Council, rank and precedence above and before all our subjects whomsoever within the said settlement of Prince of Wales' Island, Singapore, and Malacca, and the places now or at any time hereafter to be subordinate or annexed thereto; excepting the said Governor-general for the time being of Fort William in Bengal, if he shall happen at any time to be within the said settlement and places aforesaid; and excepting the said Governor or President of Prince of Wales' Island, Singapore, and Malacca, for the time being; and excepting all such persons as by law or usage take place in England before our Justices of our Court of King's Bench, except as hereinafter mentioned. And we do hereby also give and grant to the said Recorder of Prince of Wales' Island, Singapore, and Malacca, for the time being, rank and precedence above and before all our subjects whomsoever within the said settlement of Prince of Wales' Island, Singapore, and Malacca, and the places now or at any time hereafter to be subordinate or annexed thereto; excepting the said three Counsellors, being respectively Judges of the said Court, and excepting such persons and officers as hereinbefore are directed to take precedence of and before them.

The Recorder in Court to take precedence next to the Governor or Counsellor acting as Governor.

Provided always, and we do hereby declare, that when the said Judges shall be respectively sitting and acting in and as a Court, or otherwise executing the judicial functions hereby vested in them, but upon no other occasion, the said Recorder, if he shall be present, shall have and take precedence next after the Governor or President for the time being of the said settlement, or next after the Counsellor for the time being acting as such Governor or President of the said settlement, if he shall be present, but before any other Judge of the said Court, any thing herein contained to the contrary thereof in any wise notwithstanding.

All Acts to be decided by the majority of the Judges present, except in case of adjournment after mentioned.

And we do further will and ordain, That all judgments, rules, orders, and acts of authority or power whatsoever, to be made or done by the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, shall be made or done by and with and by the concurrence of the Judges of the said Court, or so many or such one of them as shall be, on such occasions respectively, assembled or sitting as a Court, or of the major part of them so assembled or sitting; except in the case of adjournment hereinafter mentioned.

The Recorder, or in his absence the Governor or Counsellor acting as such, to vote first, and in case of equal division, to have a casting voice.

And we declare, that in case at any time there shall be more than one of the said Judges present or sitting as a Court, the Recorder, if he shall be present, shall vote in every question to be decided before the other Judges present shall vote, and then the Governor or President of the said settlement, or the Counsellor acting as the Governor or President of the said settlement shall next vote, and then the resident Counsellor if he shall be present.

Provided always, that in case the Judges present at any time shall consist of only two, and they shall be divided in their opinions, the Recorder, if present, and if the Recorder shall be absent, then the Governor or President of the said settlement shall have a double or casting voice.

No act to be done by the Court in the absence of the Recorder, without the special license of the Governor or Counsellor acting as such, with power to adjourn any matter till the Recorder shall be present.

Provided also, and we further will and direct, that no Court shall be holden, and that no act shall be done by the said Court without the presence of the Recorder of Prince of Wales' Island, Singapore, and Malacca, for the time being, if he shall be resident within the said settlement, or the places now, or at any time hereafter to be subordinate or annexed thereto, unless the Governor or President of the said settlement, or the Counsellor acting as such, shall authorize the Court to sit and act in the absence of the Recorder; and in such case we direct, that the granting of such authority shall be noticed and recorded on the proceeding of the said Court. But in all cases of the absence of the Recorder from the said Court, and in case of vacancy of the office of the Recorder, we declare that it shall be lawful for the Governor or President of the said settlement, or the Counsellor acting as such, to adjourn the trial, hearing, or decision of any cause, or any matter to be considered or done by the said Court, from time to time, as he shall see fit, until the said office of Recorder shall be full and the Recorder shall be present.

Governor and Council to have no salaries, fees, or perquisites, as Judges.

And we do hereby direct, ordain, and appoint, that such salaries and emoluments as shall, from time to time, be paid, given, or allowed to the said Governor or President and Counsellors, for their services as Governor or President and Council of the said settlement, shall be accepted and taken by them in full satisfaction for their services as judges of the said Court, and that they, or any of them, shall not be entitled to have or receive any salary, fee, perquisite, or emolument whatsoever, as judges of the said Court.

The Recorder's salary appointed.

And we do hereby further direct, ordain, and appoint, that it shall and may be lawful to

and for the said Recorder of Prince of Wales' Island, Singapore, and Malacca, to receive from the said United Company a yearly salary of eighteen thousand dollars; such salary to commence from the time of his taking upon himself the execution of the said office at the said settlement, and that such salary shall be in lieu of all fees of office, perquisites, emoluments, or advantages whatsoever. Provided always, and we direct, ordain, and appoint, that no fees of office, perquisites, emoluments, or advantages whatsoever, other than and except the said salary, shall be accepted, received, or taken by such Recorder, in any manner, or on any account or pretence whatsoever; and that no person holding the office of Recorder of Prince of Wales' Island, Singapore, and Malacca, during the time of holding and exercising the said office, shall be capable of accepting, taking or performing any other office, place, or employment, or of being engaged in, or carrying on any trade, traffic, or business whatsoever, on pain that the acceptance of any such other office, place, or employment, or the engagement in or carrying on any such trade, traffic, or business whatsoever, shall be and be deemed in law, *de facto*, an avoidance of his said office. And we direct, that the salary thereof shall thereupon cease, and be deemed to have ceased accordingly. Provided always, and we hereby declare, that nothing herein contained shall extend, or be construed to extend to prevent any Recorder of Prince of Wales' Island, Singapore, and Malacca, from taking upon him the office of executor to any person or persons, by whose last will and testament he may be appointed executor, nor from taking upon him the office of administrator to any person or persons, so as that, in any such case, such Recorder shall not receive, or be entitled to any commission or other compensation for transacting any business to be done as such executor or administrator.

Recorder restricted from taking any other office or exercising any other business.

A clause appointing the first Recorder is omitted.

Court empowered to appoint a Registrar.

And we do further authorize and empower the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, from time to time, as occasion shall require, to appoint one person resident within the said settlement, to be and be called "the Registrar of the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca," which Registrar shall hold the said office during the pleasure of the said Court, and who by himself, or his clerk or clerks to be appointed and paid by him, and for whose conduct he shall be responsible, shall make out and issue all the process of the said Court, and enter up the records, and register the proceedings thereof, and do such other duties as he shall hereby, or by the said Court of Judicature, be authorized or required to do, and as are incidental to the said office of Registrar of the said Court, and who, before he shall enter upon the execution of his office, shall take an oath in open Court faithfully to execute the same, and also the oath of allegiance, of which oaths a record shall be made and entered on the proceedings of the said Court.

Registrar's clerks to be subject to the control of the Court.

Provided always, that no clerk or clerks shall be appointed by the said Registrar to assist him in the execution of his office without the approbation of the said Court for that purpose first had and obtained; and that every clerk who shall be employed by the said Registrar, as herein-before is mentioned, shall be responsible immediately for the execution of the duties he shall be required to perform, in like manner as if he was a principal officer of the said Court, and shall be liable to dismission by and at the pleasure of the said Court; and before he shall enter upon the execution of his office shall take an oath in open Court, faithfully to execute the same, and also the oath of allegiance, of which oaths a record shall be made and entered in the proceedings of the said Court.

Sheriff to be appointed.

And we do further, for us, our heirs and successors, grant, ordain, and appoint, that as soon as conveniently may be after the arrival of these our Letters Patent at the said settlement, the Governor in Council of the said settlement of Prince of Wales' Island, Singapore, and Malacca, shall appoint one fit and proper person to be, and who shall be Sheriff of the said settlement of Prince of Wales' Island, Singapore, and Malacca, and the places now or at any time hereafter to be subordinate or annexed thereto; and such Sheriff, when appointed, shall as soon as conveniently may be, and before he shall enter upon his said office, take an oath faithfully to execute his office, and the oath of allegiance before the Governor, or in his absence the resident Counsellor (who are hereby respectively authorized to administer the same), and shall continue in such office until another shall be duly appointed and sworn into the said office. And we do further, for us, our heirs and successors, grant, direct, and

appoint, that the Governor in Council of the said settlement of Prince of Wales' Island, Singapore, and Malacca, as aforesaid, for the time being, shall yearly, on the twentieth day of September, proceed to the appointment of a new Sheriff for the year ensuing, to be computed from the twenty-ninth day of September next after such appointment; which Sheriff, when appointed, shall as soon as conveniently may be, and before he shall enter upon his said office, take such oaths as hereinbefore are mentioned as to the person to be appointed first Sheriff, which oaths shall be taken before the Governor, or in his absence the resident Counsellor (who are hereby respectively authorized to administer the same), and shall continue in such office during the space of one whole year, to be computed from the said twenty-ninth day of September, and until another person shall be duly appointed and sworn into the said office. And in case such Sheriff shall die in his office, or depart from the said settlement of Prince of Wales' Island, Singapore, and Malacca, then another person shall and may, as soon as conveniently may be after the death or departure of such Sheriff, be in like manner appointed and sworn in as aforesaid, and shall continue in his office for the remainder of the year, and until another Sheriff shall be duly appointed and sworn in the said office. And we do further order, direct, and appoint, that the said Sheriff and his successors shall, by themselves or their sufficient deputies, to be by them appointed and duly authorized under their respective hands and seals, and for whom he and they shall be responsible during all his or their continuance in such office, execute, and the said Sheriff and his said deputies are hereby authorized and required to execute, all the writs, summonses, rules, orders, warrants, commands, and process of the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, and make returns of the same, together with the manner of the execution thereof, to the said Court, and to receive and detain in prison all such persons as shall be committed to the custody of such Sheriff by the said Court, or by any of the Judges thereof, or any other person having competent authority so to do: and to do all such acts, matters, and things, and perform all such duties, as nearly as circumstances shall admit or require, as are or ought to be done and performed by the Sheriff of any shire or county within that part of our United Kingdom called England.

A provision for execution of process when the Sheriff shall be interested (corresponding with those in the Charters of the Supreme Courts) is omitted.

And we do hereby further grant, declare, and ordain, that the Governor in Council of the said settlement of Prince of Wales' Island, Singapore, and Malacca, shall have full power and authority, by orders in Council, from time to time to nominate and appoint so many coroners as they shall respectively think fit, or as shall be limited by the Court of Directors of the said Company, and by like orders to supersede and remove the persons so appointed, as occasion may appear to require; and that the persons so nominated, and taking and subscribing before one of the Judges of the said Court of Judicature the oath of allegiance, and the like oath of office as is directed to be taken by the Coroners of counties in England, shall and may have, do, execute, perform, and exercise the like powers, authorities, and jurisdictions within the said settlement, as by law may be had, done, executed, performed, or exercised, by Coroners elected for any county or place in England, and not otherwise or in any other manner; and that such Coroners shall have and be entitled to such reasonable fees and allowances for the performance of the duty of their said office, as shall be limited or prescribed by the said Court of Judicature in that behalf.

Clause authorizing the appointment of Coroners.

And we do hereby further authorize and empower the said Court of Judicature to settle a table of the fees to be allowed to such Registrar, Sheriff, and Coroner, for all and every part of the business to be done by them respectively; which fees the said Registrar, Sheriff, and coroner shall and may lawfully demand and receive. And we do further authorize the said Court, from time to time, to vary the said table of fees as there shall be occasion. And we do hereby require and enjoin the said Court, within one year after these our Letters Patent shall have been published at the said settlement, and by the first convenient opportunity after the settling and allowance of the said table of fees, to certify, under the hands of the said Governor or President and the Recorder, and to transmit to the Court of Directors of the said United Company, to be by them or their order delivered, with their observations thereon, to

The Court to settle a table of fees for the Registrar, Sheriff, and Coroner.

the Board of Commissioners for the affairs of India, to be laid before us, our heirs and successors, for our and their Royal approbation and correction, a true copy of the said table of fees, and also any variation of the said table to be made as aforesaid, by the first convenient opportunity after the same shall have been so varied. And we further direct and appoint, that the said table, and the said alterations and variations thereof (if any alteration or variation shall be made) shall be hung up in some conspicuous part of the hall or place at each of the said three stations of Prince of Wales' Island, Singapore, and Malacca, where the said Court of Judicature shall be publicly holden.

Court to settle the allowances to registrar, clerks, and sheriff's officers.

And we further authorize and empower the said Court to settle and adjust what salary or salaries, or what proportion of the fees to be allowed to the Registrar, Sheriff, and Coroner, respectively, shall be paid and allowed by them, respectively, to any clerk or clerks, under-sheriff or officers, to be employed by or under them respectively.

Provisions respecting the Court's seal, and the issue of writs under it, are omitted.

Jurisdiction of the Court defined.

And it is our further will and pleasure that the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, and the several Judges of the said Court, shall severally and respectively be, and the said Court is, and they are all, and each and every of them is hereby appointed to be Justices and conservators of the peace, and coroners within and throughout the said settlement of Prince of Wales' Island, Singapore, and Malacca, and the places now or at any time hereafter to be subordinate or annexed thereto, and to have such jurisdiction and authority as our Court of King's Bench and our Justices thereof, and also as our High Court of Chancery, and our Courts of Common Pleas and Exchequer respectively, and the several Judges, Justices, and Barons thereof respectively have and may lawfully exercise within that part of our United Kingdom called England, in all civil and criminal actions and suits, and in matters concerning the revenue, and in the control of all inferior Courts and jurisdictions, as far as circumstances will admit. And further, that the said Court of Judicature shall have and exercise jurisdiction as an Ecclesiastical Court, so far as the several religions, manners, and customs of the inhabitants of the said settlements and places will admit. And that the said Court shall have full power, and is hereby authorized to hear, examine, try, and determine, in manner hereinafter mentioned, all actions and suits which shall or may arise or happen, or be brought or promoted, upon or concerning any trespasses or injuries, of what nature or kind soever, or any debts, duties, demands, interests, or concerns, of what nature or kind soever, or any rights, titles, claims, or demands, of, in, or to any houses, lands, or other things, real or personal, within the said settlement of Prince of Wales' Island, Singapore, and Malacca, and the places now or at any time hereafter to be subordinate or annexed thereto, or touching the possession, or any interest or lien in or upon the same; and all pleas, real, personal or mixed, the causes of which shall or may hereafter arise, accrue, and grow, or shall have heretofore arisen, accrued, and grown against the said United Company, and against any persons who shall be resident within the said settlement of Prince of Wales' Island, Singapore, and Malacca, or the places now or at any time hereafter to be subordinate or annexed thereto, or who shall have resided there, or who shall have any debts, effects, or estate, real or personal, within the same, and against the executors and administrators of such persons. Provided always, that it shall not be competent to the said Court of Judicature to try or determine any suit or action against any person who shall never have been resident in the said settlement of Prince of Wales' Island, Singapore, and Malacca, or any of the places now, or at any time hereafter to be subordinate or annexed thereto, or any one of them, nor against any person then resident in Great Britain or Ireland, unless such suit or action against such person, so then resident in Great Britain or Ireland, shall be commenced within two years after the cause of action arose, and the sum to be recovered be not of greater value than twelve thousand dollars.

The Governor and Counsellors and Recorder not to be arrested.

Provided always, and we do hereby declare, that nothing in this Charter shall extend, or be construed to extend to subject the person of the Governor or President, or any of the Councillors of the said settlement, or the person of the Recorder of Prince of Wales' Island, Singapore, and Malacca, to be arrested or imprisoned in any civil suit, action, or proceeding in the said Court.

And we do hereby authorize the said Court of Judicature to appoint guardians and keepers for infants and their estates, according to the order and course observed in that part of our United Kingdom called England, and also guardians and keepers of the persons and estates of natural fools, and of such as are or shall be deprived of their understanding or reason by the act of God, so as to be unable to govern themselves and their estates, which we hereby authorize and empower the said Court to inquire, hear, and determine, by inspection of the person, or such other ways and means by which the truth may be best discovered and known.

The Court to exercise authority over the persons and estates of infants and lunatics.

And it is our further will and pleasure, and we do hereby for us, our heirs and successors, grant, ordain, establish and appoint, that the said Court of Judicature of Prince of Wales' Island, Singapore and Malacca, shall be a Court of Ecclesiastical Jurisdiction, with full power to grant probates under the seal of the said Court of the last wills and testaments of all or any of the inhabitants of the said settlement of Prince of Wales' Island, Singapore and Malacca, and the places now or at any time hereafter to be subordinate or annexed thereto, dying within the said settlement, and of all other persons who shall die and leave personal effects within the said settlement, or the places now or at any time hereafter to be subordinate or annexed thereto; and to commit letters of administration under the seal of the said Court, of the goods, chattels, credits, and all other effects whatsoever of the persons aforesaid who shall die intestate, or who shall not have named an executor resident within the said settlement and places aforesaid, or where the executor being duly cited shall not appear and sue forth such probate, annexing the will to the said letters of administration when such persons shall have left a will without naming any executor, or any person for executor, who shall then be alive and resident within the said settlement and places aforesaid, and who being duly cited thereunto will not appear and sue forth a probate thereof; and to sequester the goods and chattels, credits, and other effects whatsoever of such persons so dying in cases allowed by law, as the same is and may now be used in the diocese of London, and to demand, require, take, hear, examine and allow, and if occasion require, to disallow and reject the account of them in such manner and form as is now used, or may be used, in the said diocese of London, and to do all other things whatsoever needful and necessary in that behalf. Provided always, and we do hereby authorize and require the said Court, in such cases as aforesaid, where letters of administration shall be committed with the will annexed, for want of an executor appearing in due time to sue forth the probate, to reserve in such letters of administration full power and authority to revoke the same, and to grant probate of the said will to such executor or executors, whenever he or they shall duly appear and sue forth the same. And we do hereby further authorize and require the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, to grant and commit such letters of administration to any one or more of the lawful next of kin of such person so dying as aforesaid, and being then resident within the jurisdiction of the said Court, and being of the age of twenty-one years; and in case no such person shall then be residing within the jurisdiction of the said Court, or being duly cited shall not appear and pray the same, to the Registrar of the said Court, or to such person or persons, whether creditor or creditors or not of the deceased person, as the Court shall set fit, provided always, that probates of wills and letters of administration to be granted by the said Court shall be limited to such money, goods, chattels and effects, as the deceased person shall be entitled to within the said settlement of Prince of Wales' Island, Singapore, and Malacca, and the places now, or at any time hereafter to be, subordinate or annexed thereto.

The Court to exercise ecclesiastical jurisdiction and grant probates of wills, &c.

The provisions respecting the bond required from administrators are similar to those of the Supreme Courts, but the bond is to be given to the Company, and put in suit if necessary in their name.

And we further will, order, and require, that the said Court shall fix certain periods, when or within which all persons to whom probates of wills and letters of administration shall be granted by the said Court, shall from time to time, until the effects of the deceased persons shall be fully administered, pass their accounts relating thereto before the said Court. And in case the effects of the deceased shall not be fully administered within the time for that pur-

Regulations as to the conduct of executors and administrators.

pose to be fixed by the said Court, then, or at any earlier time, if the said Court shall see fit so to direct, the person or persons to whom such probate or administration shall be granted, shall pay and deposit the balance of money belonging to the estate of the deceased, then in his, her, or their hands, and all money which shall afterwards come into his, her, or their hands; and also all precious stones, jewels, bonds, bills, and securities belonging to the estate of the deceased, into and in the treasury of the said United Company, in the name of the Accountant-general of the said Court, to abide the orders of the said Court; or shall otherwise dispose of such money, goods, chattels, and securities, as the said Court shall direct. And we require that the said Court shall, from time to time, make such order as shall be just for the due administration of such assets, and for the payment or remittance thereof, or any part thereof, as occasion shall require, to or for the use of any persons or person, whether resident or not resident in the said settlement, who may be entitled thereto, or any part thereof, as creditors, legatees, or next of kin, or by any other right or title whatsoever. And we further ordain and direct, that it shall be lawful for the said Court to allow to any executor or administrator of the effects of any deceased person or persons (except as herein-mentioned) such commission or per-centage, out of his, her, or their assets, as shall be just and reasonable, for their pains and trouble therein. Provided always, that no allowance whatever shall be made for the pains and trouble of any executor or administrator who shall neglect to pass his accounts at such time, or to dispose of any money, goods, chattels, or securities with which he shall be chargeable, in such manner as, in pursuance of any general or special rule or order of the said Court shall be requisite. And moreover, every executor or administrator so neglecting to pass his accounts, or to dispose of any such money, goods, chattels, or securities with which he shall be charged, shall be charged with interest, at the rate to be then current within the said settlement, for such sum and sums of money as, from time to time, shall have been in his hands, whether he shall or shall not make interest thereof.

The method of commencing and prosecuting civil suits, and of proceeding in all cases in which any order of the Court shall be necessary.

And to the end that justice may be administered in the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, with all convenient speed, known form, and certain effect, our will and pleasure is, and we do hereby grant, ordain, and appoint, that upon any cause of action or suit supposed to have arisen and to be cognizable by the said Court in any of its jurisdictions herein-mentioned, upon any occasion where the aid of the said Court shall be required, it shall be lawful and competent for any person whomsoever, by himself or herself, or his or her lawful attorney, or his friend or agent, to prefer, verbally or in writing, to the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, or to any of the Judges or the Registrar thereof, his or her complaint, and thereupon the Recorder of the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, or the Registrar of the said Court, or the clerk of such Registrar, by his direction, shall reduce the substance of the said complaint, if verbal, into writing; or if it shall be preferred in writing, he shall divest it of all extraneous matter, and set down the substance thereof in a writing to be drawn up, if it shall require to be re-drawn; and such complaint shall be in, or shall be reduced into the form of a petition to the said Court, stating shortly the substance of the matter complained of, or touching which the aid of the Court is required, and praying that justice may be done, as the case shall require, and such petition shall be filed of Record in the said Court. Whereupon the said Court shall, and is hereby authorized and required to award and issue a summons in writing, to be prepared by the Registrar of the said Court, directed to the Sheriff, intimating shortly the cause of action or suit set forth in such petition, and commanding the said Sheriff to summon the person or persons against whom the said complaint shall have been preferred, and all others whom it shall appear to the said Court to concern, to appear, at a certain time and place therein to be specified, to answer or appear to the said complaint or petition as justice shall require: which said summons, and the execution thereof, the said Sheriff shall duly return and certify to the said Court of Judicature, and the person or persons so summoned shall accordingly appear; and such person or persons, or any others having an interest, and appearing voluntarily without summons, shall confess the truth of the complaint, or may plead thereto such matter of exception or defence (excepting always matters of mere form) as he, she, or they shall see fit; or such person or persons so summoned or voluntarily appearing, shall be compellable, and if necessary be compelled, to make a full answer or answers and discovery, on oath, as on a bill filed on the equity side of our High Court of Chancery, and

requiring an answer and discovery, as the case may require; and the full substance of such confession, plea, defence, or answer, as the case may be, shall be reduced into writing and annexed to the petition, and which petition, confession, plea, defence, or answer may be amended or withdrawn, from time to time, and upon such terms as substantial justice shall appear to the said Court to require: and after such appearance, the said Court of Judicature shall proceed from time to time, assigning reasonable days to the said parties, or to any other party or parties lawfully intervening in the suit and alleging an interest therein; or who shall appear to the Court to be necessary parties, to hear their respective allegations, as justice may require, and examine the truth thereof (that is to say): in cases arising out of personal contract or obligation, as well on the oath of the parties to the suit, where such oath may lawfully be tendered by the Court; and if it shall appear to the Court necessary to examine any party on oath, as also upon the oath or oaths of such competent and credible witnesses as the parties shall produce in Court, respectively, and in all other cases upon the oath or oaths of such witnesses as aforesaid. To which end, we hereby authorize and empower the said Court of Judicature, at the request of any party, to issue a summons, to be prepared by the Registrar of the said Court or person acting as such, directed to every one of such witnesses, commanding him or her to appear, at a time and place to be specified in such summons, to depose his or her knowledge touching the suit so depending between the parties, naming them, and specifying at whose request such summons shall have issued. And upon the appearance of the said witnesses, or any of them, the said Court of Judicature may, and is hereby required to order and decree to them and each of them, such reasonable sum of money for his, her, or their expenses, as the said Court shall think fit, whether such witnesses shall be examined or not, the same to be paid forthwith by the party at whose request the said summons shall have issued; and if the said sum of money, so ordered and decreed, shall not be forthwith paid or secured to such witness, to the satisfaction of the said Court, the party to whom it shall belong to pay the same shall not only lose the benefit of such witness's testimony, but shall be compelled to pay him, her, or them, the money so ordered and awarded, by such ways and process as are herein-after provided for enforcing the payment and satisfaction of money recovered by judgment, sentence, or decree of the said Court. And the said Court of Judicature is hereby authorized and empowered to administer to such witnesses and others, whom they may see occasion to examine, proper oaths and affirmations (that is to say): to such persons as profess the Christian religion, the oath upon the Holy Evangelists of God; and to Quakers, the affirmation, according to the form used in England for that purpose; and to others, such oath, in such manner and form as the said Court shall esteem most binding on their consciences respectively. And the said Court of Judicature is, on the trial or hearing of all such causes as are herein-after declared to be appealable, required to cause the depositions to be reduced into writing, and subscribed by the several witnesses with their name or other mark, and to annex the same to the petition and the plea or answer, and to file the same of record; and in case any person or persons, so cited, shall refuse, or wilfully neglect to appear and be sworn, or being Quakers to affirm and be examined, or to subscribe such their depositions as aforesaid, as the said Court of Judicature shall appoint, the said Court is hereby empowered to punish such persons so refusing or wilfully neglecting, as for a contempt, by fine, imprisonment, or other corporal punishment, not affecting life or limb.

Witnesses to be summoned;

and are to be sworn in such way as may be most binding on their conscience.

Witnesses in contempt to be fined or imprisoned.

And we do further give to the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, full power and authority, upon examining and considering the several allegations and proofs of the said parties to such suit, or to such of them as shall appear at the trial or hearing thereof, or of the complainant or complainants, or parties promoting such suit alone, in case the defendant or defendants shall make default after appearance, or say nothing, or confess the petition of complaint or *ex-parte* the petitioner, if justice shall so require, and on examining and considering the depositions of the witnesses, to give and pass judgment and sentence according to justice and right: and in case of any proceeding removed from or originating in any inferior Court of Judicature, to remit the same thereto, as substantial justice shall best be attainable; and also to award and order such costs to be paid by either or any of the parties to the other or others, as the said Court shall think just.

The Court to give judgment according to justice and right.

And we do further authorize and empower the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, to award and issue a writ or writs, or other process of execution, to be prepared in manner before-mentioned, and directed to the said Sheriff for

The Court to award execution.

the time being, commanding him to seize, and deliver the possession of the houses, lands, or other things recovered in and by such judgment, sentence, or decree, or to levy any sum of money which shall be so recovered, or any costs which shall be so awarded, as the case may require, by seizing and selling so much of the houses, lands, debts, or other effects, real and personal, of the party or parties against whom such writ or writs shall be awarded, as will be sufficient to answer and satisfy the said judgment; or to take and imprison the body or bodies of such party or parties, until he, she, or they shall make such satisfaction, or to do both, as the case may require. And we direct and appoint, that the several debts to be seized as aforesaid, shall from the time the same shall be extended and returned into the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, be paid and payable in such manner and form as the said Court shall appoint, and no other; and such payment, and no other, shall from thenceforth be an absolute and effective discharge for the said debts, and every of them respectively. And we do hereby further authorize and empower the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, to make such further and other interlocutory rules and orders as the justice of the proceeding may seem to require.

Court empowered to make interlocutory orders, &c.

Provision as to agents for suitors.

Provided always, and we hereby further declare, that no person or persons shall be permitted to appear or act as the advocate, solicitor, attorney, proctor, or agent, or to plead verbally or in writing, for any suitor or suitors in the said Court (save and except only for the said United Company), in any action or suit, or touching any matter whatsoever, unless such person or persons shall have been previously permitted or licensed by the said Court to act as an agent or agents for the suitors of the said Court, generally or specially, for the particular occasion or occasions. And we further authorize and empower the said Court at its pleasure, either assigning a reason without assigning any reason whatever, to withdraw or vacate any permission or license which shall at any time be granted to any person or persons to act, generally or specially, as the agent or agents of any suitors or particular suitor of the said Court. And we further declare, that the fees to be received by any such agent or agents, whether general or special, shall at all times be subject to the control and taxation of the said Court, as well in Court as on reference to the said Recorder or the said Registrar, if the said Court shall see fit to make such reference, in like manner as costs may be taxed in our said Court of King's Bench at Westminster, either as between party and party or as between attorney and client, as the case may require.

(*Sic orig.*)

Provided also, and we hereby direct, that all examinations of witnesses by the said Court, and all hearings and trials, whether in chief or on interlocutory matters, and all judgments, sentences, and decrees to be made and passed, shall be taken, had, and passed publicly. Provided always, that it shall be lawful for the Judges of the said Court, out of Court, and in vacation, to make such orders and do acts of such natures as are usually done out of Court and in vacation, by the Judges of any of our Courts at Westminster; but the orders and acts of the said Judges out of Court are, nevertheless, to be subject to the review and control of the Court.

As to acts to be done by the Judges out of Court, and as to returns to *habeas corpus* out of Court.

Provided always, and we hereby further declare, that except in the case of the vacancy of the office of Recorder of Prince of Wales' Island, Singapore, and Malacca, or in case of the absence of the said Recorder from the said settlement, or in case, by reason of sickness or other misfortune, the said Recorder shall be incapable of attending to business, that none other of the Judges of the said Court shall be competent to make any order, or do any act out of Court, in any civil matter, suit, or concern, unless the Recorder shall be previously summoned to meet the Judge about to make such order, or do such act, in order to assist him with his opinion thereon. Provided always, and we hereby further declare, that no writ of or in the nature of a writ of *habeas corpus ad subjiciendum* shall be returnable in vacation-time, or during any adjournment of the said Court, before any of the Judges of the said Court, other than the Recorder; except in the case of the vacancy of the office of Recorder, or in the case of the absence of the Recorder from the said settlement, or of his being unable by reason of illness to transact business: but we direct, that upon any such return of any writ of *habeas corpus*, to produce the body or bodies of any person or persons committed or detained in custody by, or by the authority or direction of the Governor or President of the said settlement, or any of the Council of the said settlement, notice of such return shall be forthwith given to the said Governor or President, or to the Counsellor acting as such for the time being, and no such prisoner or prisoners shall be released or discharged out of custody by the said Recorder out of Court, until the expiration of forty-eight hours from

the time when such notice shall have been given, unless the Governor or President, or the Counsellor acting as such, shall in the meantime, by writing under his hand, authorize the Recorder to proceed out of Court to the consideration of the matter of the return; and in case the said Governor or President, or the Counsellor acting as such, shall cause the said Court of Judicature to be specially convened before the expiration of the said forty-eight hours, the matter of such return shall be proceeded upon in Court only.

And in case the party so summoned as aforesaid shall not appear upon the return of such summons or precept as aforesaid, according to the exigence thereof, or if the cause of action, as contained in such petition of complaint as aforesaid, shall exceed the value of eighty dollars, or shall be in the nature of a personal wrong, and in either or any of the said cases, the said Court shall be satisfied, by affidavit or affirmation to be filed of record, that the case is such as to require security, then after return of such summons, or in lieu thereof, the said Court is hereby authorized and empowered to award and issue a writ or warrant directed to the said sheriff, commanding him to arrest and seize the body of such defendant, and to have the same, at a time and place in the said writ to be specified, before the said Court, to answer the said complaint. And the said Court may, in and by the said writ or warrant, authorize the said sheriff to deliver the body of such defendant, so arrested, to sufficient bail, that such defendant shall appear at a time and place mentioned in such writ or warrant, and in all things perform and fulfil the exigence thereof. And upon the appearance of such defendant in and before the said Court, we do hereby authorize and empower the said Court to commit him to prison to the said sheriff, unless and until he shall give bail, to the satisfaction of the said Court, for paying the debts, damages, and costs which shall be recovered against him in such action, or for rendering himself to prison; and in default, that the bail will pay such debt, damages, and costs for him; which bail we hereby empower the said Court to take, and thereupon to deliver the body of the said defendant to bail. And if the said sheriff shall make return upon either of the said writs of summons or *capias*, and the Court shall be satisfied that the defendant is not to be found within the jurisdiction of the said Court, and the plaintiff, or some other person, shall by affidavit, or in the case of a Quaker by affirmation, in writing or otherwise, to the satisfaction of the said Court, make proof, verifying the complainant's demand, we do hereby grant, ordain, and appoint, that the said Court shall or may award and issue a writ, in the nature of a writ of sequestration.

Power to arrest a defendant on mesne process in certain cases.

And in certain cases to hold to bail.

Prison of said Sheriff.

The mode of proceeding under sequestration, is similar to that in the Supreme Courts.

And we do hereby appoint, that all affidavits taken in the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, or before any of the Judges thereof, or any Commissioner to be appointed by the said Court, shall be made on oaths administered in such form and manner as is before directed, in case of witnesses to be examined before the said Court. Provided nevertheless, that in all civil cases, the affirmation in writing of a Quaker, which the said Court or the Judges thereof, respectively, or any Commissioner to be appointed by the said Court are hereby authorized and empowered to take, shall be of the same weight, authority, and effect, as an affidavit upon oath.

Affidavits and affirmations, how to be taken.

And we do hereby further will, ordain, and declare, that it shall and may be lawful to and for the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, in any part of its jurisdiction, whether common law, equity, or ecclesiastical, by commission or commissions under the seal of the said Court, to authorize and appoint any fit or proper person or persons, either generally or in any particular case, or with such limitations as the said Court shall see fit, to receive the acknowledgments of recognizances of bail and bail-pieces, and to administer oaths for the justification of bail, and for taking of any affidavit or affirmation, or for receiving and taking the answer, plea, demurrer, disclaimer, or examination of any party, or parties to any suit, or for the examination of any witness or witnesses upon interrogatories, either *de bene esse* or in chief, or on any other occasions, and for swearing executors or administrators in any suit, matter, or proceeding which may be pending, or about to be instituted in the said Court, upon such occasion as the said Court shall think fit to issue such commission. And we direct and ordain, that such commission and commissions, so to be issued, shall respectively be issued, acted under, and returned, if the same shall require any return,

Power for the Court to appoint Commissioners to take affidavits, &c.

in such manner and form as such matters are usually transacted by commissions general or special, issued out of our Court of King's Bench at Westminster, or our High Court of Chancery, or the Ecclesiastical Court of the diocese of London respectively.

Suitors' money and securities to be deposited with the Company's cash.

And whereas the said United Company have undertaken to be answerable to the suitors of the said Court for all such money, jewels, precious stones, and securities, as under the orders of the said Court shall be paid or delivered into, or deposited in the treasury of the said United Company (except in cases of fire, foreign invasions, civil commotions, or other unavoidable accidents, whereby the said money, jewels, precious stones, or securities, may be lost or damaged), and also to be at the charge and expense which may be occasioned by reason of the depositing, safe-keeping, and restoring of the said money, jewels, precious stones and securities, at the said settlement of Prince of Wales' Island, Singapore and Malacca, we do therefore will and ordain, that all money, jewels, precious stones and securities of the suitors of the said Court, which shall be ordered into Court, or to be paid, delivered, or deposited for safe custody, shall be paid, delivered into, or deposited in the public treasury of the said United Company at the said settlement, or into one of such public treasuries, if there shall be more than one, to be kept and deposited with the cash, precious stones, jewels and effects of the said Company, subject to such orders and directions as the said Court shall from time to time think fit to make concerning the same, for the benefit of the suitors. And we do further authorize and empower the said Court, from time to time, to order and direct any money belonging to the suitors of the said Court to be invested at interest, or without interest, for the purpose of remittance to any place without the said settlement, as there may be occasion, for the use and benefit of the parties respectively entitled thereto, on any bills, bonds, or securities of the said United Company, or any other bills, bonds, or securities as the said Court shall see to order and direct. And we hereby declare, that all executors, administrators, guardians, and trustees whatsoever, acting, with respect to such investments at interest or for remittance, under the directions of the said Court, shall be indemnified against all risk or loss to be occasioned thereby.

An Accountant-general to be appointed.

And we do, for us, our heirs and successors, give and grant unto the said United Company, that the said United Company, or their Court of Directors, or the major part of them, or the Governor or President and Council of the said settlement, or any two of them, the Governor or President always being one, shall have full power and authority, from time to time, to name and appoint the treasurer of the said Company at the said settlement, or any other officer under the said United Company, to be and be called "the Accountant-general of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca," and the same at their pleasure to remove and another to appoint, who shall act, perform, and do all matters and things necessary to carry into execution the orders of the said Court relating to the payment or delivery or depositing of the suitors' money, jewels, precious stones and securities, into or in the said treasury, and taking the same out again, and investing the money of the suitors at interest or for remittance, and keeping the accounts thereof with the said Governor or President and Council and the Registrar of the said Court of Judicature of Prince of Wales' Island, Singapore and Malacca, and for doing such other matters relating thereto, under such rules, methods, and directions, as shall from time to time be made and passed by the said Court of Judicature of Prince of Wales' Island, Singapore and Malacca.

Proceedings by or against the East India Company.

And we do hereby grant, order, and direct, that in case any person or persons shall have any action or suit against the said United Company, he, she, or they shall be at liberty to proceed therein, in like manner as hereinbefore mentioned, and it shall and may be lawful for the said Court to issue their summons for the appearance of the said United Company, to be served upon the said Governor or President and the resident Counsellor of the station in which the cause of action or suit shall have arisen, and thereupon the said Governor or President, and such resident Counsellor as aforesaid, shall appoint such person or persons to appear and act for the said United Company as they shall see fit, and such person or persons shall be admitted to answer and defend such suit in the name and for and on the behalf of the said United Company, and the said Court shall be at liberty to issue process of sequestration against the lands, tenements, chattels, estate and effects of the said United Company, to compel their appearance and answer, and on non-appearance, or for want of answer of the said Company, to proceed in the same way as the said Court might proceed against an individual absent from the said settlement, and on whose behalf, after sequestration of his goods and

chattels, no appearance should be entered or answer given. And we hereby authorize and empower the said Court to try, hear, and determine all such actions and suits against the said United Company, and to give judgment and costs, and award execution, and do and order all such other matters and things therein, as far as the case will admit, in such manner as herein is mentioned, as to any person or persons whomsoever; subject, nevertheless, to such right of appeal by either party as herein is mentioned. And, in like manner, if the said United Company shall have any action or suit against any person or persons, it shall and may be lawful to and for the said Governor or President and Council, or any two of them, the Governor or President being always one, to authorize any person or persons for and on behalf of the said Company, and in their name, to make complaint thereof, in writing, to the said Court, who shall proceed therein, and shall hear and determine the same as in other cases; and in case judgment or sentence shall be given against the said Company, shall award costs to be levied upon the goods and effects of the said Company as they shall see occasion, subject, nevertheless, to such appeal by either party as herein is mentioned.

The same power of framing rules and processes as is given to the Supreme Courts of Madras and Bombay is conferred, and copies ordered to be furnished to the Board of Commissioners for the affairs of India.

The Court is to be a Court of Oyer and Terminer, and as the provisions for the exercise of its criminal jurisdiction do not materially differ from those relating to the Supreme Courts, several of them are omitted.

Provided always, and we hereby further declare, that no grand jury or inquest shall consist of less than thirteen persons or more than twenty-three; and that the majority of the persons to sit on such grand jury or inquest (such majority not being in any case less than seven), shall be sufficient to authorize any presentment to be made, or any act to be done by them. And we further declare, that no person arraigned for any offence whatsoever shall be admitted to any peremptory challenge, above the number of seven. *As to Juries.*

Provided always, and we do hereby declare, that the said Court shall not be competent to hear, try, and determine any indictment or information against the Governor, or any of the Council, or the Recorder of Prince of Wales' Island, Singapore, and Malacca, not being for treason or felony, with which the Governor or any of the Council, or the said Recorder, shall or may be charged, in the jurisdiction of the same. *Exception of the Governor and Council and Recorder, in certain cases, from criminal jurisdiction.*

And whereas cases may arise, wherein it may be proper to remit the general severity of the law, we do hereby authorize and empower the said Court, after sentence passed, from time to time to respite or reprieve the execution of any sentence passed on any offender or offenders who shall be convicted of any offence, capital or otherwise, by or before the said Court. And we do order and declare, that in all cases, after sentence passed, the said Court may substitute and order any lesser punishment to be inflicted on the person or persons convicted, than the punishment to which such person or persons shall have been sentenced, according to law, whether such lesser punishment be transportation or imprisonment, or to be kept to hard labour, or such other reasonable corporal punishment, not extending to life, limb, or perpetual imprisonment, as the said Court shall think fit to be so substituted and inflicted. And we authorize the said Court, at its discretion, during the respite or suspension of the execution of any sentence, or the infliction of any punishment, to cause the offender to be kept in strict custody, or to deliver him or her to sufficient bail or mainprize, as the circumstances shall seem to require. *The Court may reprieve execution of any capital sentence, and substitute a lesser punishment.*

Another clause authorizing the suspension of execution of sentence, with a view to the exercise of the Royal mercy, is similar to that in the Charters of the Supreme Courts; but the statement of the case and evidence are to be transmitted to the Court of Directors for presentation to the Crown.

In case of transportation and keeping to hard labour, Governor and Council to take order for the due performance of the sentence.

And we do hereby order and declare, that in all cases where any offender or offenders shall be sentenced or ordered to be transported or to be kept to hard labour, the Governor and Council of the said settlement shall, and they are hereby required to take order for the due performance of all such sentences or orders accordingly.

Power to the Court to hold General and Quarter Sessions.

And we do hereby further authorize and empower the said Court to hold General and Quarter Sessions of the Peace from time to time, within and for the said settlement and places aforesaid, to give order touching the making repairs and cleansing of the roads, streets, bridges, and ferries, and for the removal and abatement of public nuisances, and for such other purposes of police, and for the appointment of peace officers, and trial and punishment of misdemeanors, and doing such other acts as are usually done by our Justices of the Peace at their General or Quarter Sessions, within that part of our United Kingdom called England, as nearly as circumstances will admit and shall require.

Direction as to the appointment of peace officers.

And we hereby authorize and empower the said Court, at their General and Quarter Sessions, from time to time to nominate and appoint such persons as the said Court shall see fit, to be and act as constables, or to perform the duties usually performed by constables and subordinate peace officers, in that part of our United Kingdom called England, as nearly as the different religions, customs, and manners of the different inhabitants of the said settlement and places shall require or will admit. And we authorize and empower the said Court to direct, that the said constables, and other subordinate peace officers, shall have and exercise their authority within and over any particular district or districts, or over any particular class or classes, tribe or tribes, of the inhabitants of the said settlement of Prince of Wales' Island, Singapore, and Malacca, and places aforesaid, as the said Court shall see fit. And we authorize and empower the said Court to compel all and every such persons to serve the said offices to which they shall be appointed, in the like manner as persons may be compelled to serve the office of constable, within that part of our United Kingdom called England, so far as the religions, customs, and manners of such persons will admit; and that before they shall enter upon their respective offices, they shall respectively take before the said Court the oath of allegiance, and an oath well and faithfully to execute the same, without favour or partiality, malice or hatred.

Power for the General and Quarter Sessions to try without a Jury all offences not being treason or felony.

And we further grant, ordain, and appoint, that the said Court of Judicature, at their General and Quarter Sessions, shall have full power and authority by themselves, without any inquest or jury, to inquire of, hear, and determine all breaches of the peace, quarrels, controversies, and other crimes and misdemeanors whatsoever, other than and except treason and felony, and to cause such witnesses as shall be necessary to be summoned to give evidence before them, upon oath, and to award and cause such punishment to be inflicted on such persons who shall be found guilty by them of any such offences, so as such punishment shall not extend to life or limb, or perpetual imprisonment, or banishment or transportation from the said settlement of Prince of Wales' Island, Singapore, and Malacca, or places aforesaid, and so as such punishment shall not be repugnant to the religious customs or manners of the person on whom it is to be inflicted. And we hereby authorize the said Court of Judicature to proceed to the trial and punishment of such offenders as last aforesaid, in such summary way, and to give such orders thereon to the sheriff and other peace officers and ministers, as shall be most consistent with the attainment of substantial justice. Provided always, that the said Governor or President and Council, and the said Recorder of Prince of Wales' Island, Singapore, and Malacca, shall in no way be subject to the jurisdiction of the said Court at their General or Quarter Sessions.

Clause authorizing the appointment of Justices of the Peace.

And we do hereby further authorize and empower the said Governor in Council of the said settlement of Prince of Wales' Island, Singapore, and Malacca, for the time being, by commissions to be from time to time issued under the seal of the said Court of Judicature there, in the name of the King's Majesty, his heirs and successors, tested in the name of the Recorder of the said Court (which commissions the said Court of Judicature is hereby authorized and required from time to time, by any order or warrant from the said Governor in Council to issue accordingly), to nominate and appoint such and so many of the covenanted servants of the said Company, or other inhabitants, as the said Governor in Council shall think properly qualified to act as Justices of the Peace within and for the said settlement, and the places now, or at any time hereafter to be subordinate or annexed thereto; and such persons shall, according to the tenor of the respective commissions wherein they shall be so

nominated and appointed, and by virtue thereof, have power and authority to act as Justices of the Peace, according to the tenor of the same commissions wherein they shall be named, in and for the said settlement and places aforesaid. And the said Court of Judicature, upon any requisition in writing from the said Governor in Council, shall and may, from time to time, supersede such commisssions, and upon like requisition issue new commissions for the purposes aforesaid, unto the same or such other of the covenanted servants of the said Company or other inhabitants, as shall from time to time be so nominated by the said Governor in Council in that behalf; all which commissions shall be filed of record in the said Court of Judicature. And we do further grant, direct, and ordain, that the persons who shall be so nominated and appointed to act as Justices of the Peace as aforesaid, when and so often as a Court of General or Quarter Sessions of the Peace shall be assembled by order of the said Court of Judicature, shall and may sit as Justices of the Peace, and have a deliberate voice in such Court of General or Quarter Sessions of the Peace. Provided always, that the persons who shall be so nominated and appointed as aforesaid shall not be capable of holding any Court of Oyer and Terminer or of Gaol Delivery, nor to sit in any Court of Oyer and Terminer or Gaol Delivery, unless such Court shall, on any particular occasion, call upon them so to do, in which case, and so often as the same shall happen, the person or persons so called upon shall and may, for that time, associate with the Justices of such Court of Oyer and Terminer or Gaol Delivery, and sit as a Justice or Justices of such Court of Oyer and Terminer or Gaol Delivery, and have a deliberative voice therein, being first specially authorized for that purpose by Order in Council. Provided always, and we do further declare and ordain, that no person to be nominated and appointed in and by any such Commission as aforesaid, shall be capable of acting as a Justice of the Peace in or for the said settlement, until he shall have taken and subscribed in the Court of Oyer and Terminer of the said settlement, the oath of allegiance and the like oath of office as is appointed to be taken by Justices of the Peace in that part of the United Kingdom called England, or as nearly to the tenor thereof as the case will admit, and as shall be approved by the said Court.

Justices, constables, &c. to be subordinate to the Court.

And we do hereby further grant, direct, and ordain, that all the Justices of the Peace within and for the said settlement and places aforesaid, and all the constables and all other magistrates and peace officers shall be subordinate to, and all their acts and proceedings shall be liable to be inquired into, annulled, corrected, and dealt with by the said Court of Judicature of Prince of Wales' Island, Singapore and Malacca, and by the like methods and process, as near as may be, as all inferior criminal Courts, justices, magistrates, and peace officers are subordinate to our Court of King's Bench, in that part of our United Kingdom called England.

The regulations as to appeals are similar to those applicable to appeals from the Supreme Courts.

Courts, in the nature of Courts of Requests, to be established to determine suits not exceeding the value of thirty-two dollars.

And we do hereby, for ourselves, our heirs and successors, give and grant to the said Company and their successors, that it shall and may be lawful to and for the said Court of Directors of the said United Company, and for the Governor or President and Council of Prince of Wales' Island, Singapore, and Malacca, for the time being, or the major part of them, subject to the orders and pleasure of the said Court of Directors, to erect and establish such Court or Courts of Judicature as they shall see fit, for the recovery of small debts, and for the trial and determination of all suits and causes whatsoever against any of the inhabitants of the said settlement of Prince of Wales' Island, Singapore, and Malacca, or the places now or at any time hereafter to be subordinate or annexed thereto, wherein the debt, duty, or matter in dispute shall not exceed the value of thirty-two dollars, and from time to time to appoint any of the said inhabitants, whether British-born or not, to be the Judges of the said Court or Courts respectively, and to revoke such appointments. And also to direct and appoint whether the jurisdiction of the said Court or Courts respectively, shall be local, or whether it shall be personal, with respect to any particular class or classes, tribe or tribes of the said inhabitants; and to frame such rules and regulations for the due administration of justice in and by the said Court or Courts respectively, and to regulate every matter incident thereto, as they shall see fit, conforming as nearly as may be to the rules generally practised for the administration of justice in the several Courts of Request and Courts for

Recovery of small Debts within that part of our United Kingdom called England, so as that the administration of justice in and by the said Court or Courts may, as far as circumstances will permit, always be adapted to the religions, manners, and customs of the several classes and tribes of inhabitants from time to time within the said settlement and places aforesaid. Provided always, and we do hereby declare, that the establishment of all such Court and Courts last herein-before mentioned, shall be liable to be repealed, annulled, varied, or altered by the said Court of Directors, and by the said Governor or President and Council for the time being, or the major part of them, subject to the orders and pleasure of the said Court of Directors. And we do hereby further will, ordain, and appoint that all and every the Court and Courts so to be established as last herein-before mentioned, shall be subject to the order and control of the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, in such sort, manner, and form, as the inferior Courts of civil jurisdiction in that part of our United Kingdom called England are by law subject to the order and control of our Court of King's Bench; for which purpose the said Court of Judicature is hereby authorized and empowered to issue any writ or writs, orders or precepts, in a summary way, to have the force of writs of *certiorari*, *procedendo*, error, or false judgment, or otherwise, as the case may require, to be directed to such Courts respectively, or the respective Judges or officers thereof, and to punish any contempt thereof, or wilful disobedience thereunto, by fine or imprisonment.

Court to fix periods for holding civil and criminal Courts, Sessions, &c.

And we do hereby further authorize and empower the said Court of Judicature to appoint and from time to time, as occasion shall require, to vary the place or places where, and the periods at and during which the said Court, and any Court hereby authorized to be established, shall sit and hold sessions for the dispatch of business, and that subject to any general rules; and also as to inferior Courts subject to the order and control therein of the said Court of Judicature, the said several Courts shall have full power and authority to sit and dispatch business, and adjourn from place to place within the said settlement and the places now or hereafter to be subordinate or annexed thereto, and from time to time, as well within the periods to be fixed for their regular sittings and sessions as out of those periods as there shall be occasion.

The President to have power to convene and adjourn special Courts in vacation time.

Provided always, and we hereby declare, that it shall be lawful at all times in vacation, or during any adjournment of the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, to and for the Governor or President of the said settlement, or in his absence to and for the resident Counsellor at any of the said stations, of his own authority, to convene, or cause to be convened, a special Court, and to adjourn, or cause such special Court to be adjourned, from time to time, and from place to place, as he shall see fit.

The Governor and Council and Recorder to be sworn.

And it is our further will and pleasure, and we do hereby direct, ordain, and appoint, that as soon as may be after the arrival of this our Charter at the said settlement of Prince of Wales' Island, Singapore, and Malacca, the said Governor or President and Council, and the said Recorder, or so many of them as shall then be able to meet together, shall assemble themselves in some convenient place, and thereupon the said Governor, President, or the senior Counsellor present, shall publicly take an oath, in the most solemn manner, that he will, to the best of his knowledge, skill, and judgment, duly execute the office of Judge of the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, and impartially administer justice in every cause, matter, or thing which shall come before him; and he shall also take the oath of allegiance, in such manner and form as the same is by law appointed to be taken in Great Britain, of which oath a record shall forthwith be made. And we do hereby authorize the Counsellors and Recorder of Prince of Wales' Island, Singapore, and Malacca, or such of them as shall then be present, to administer the said oath, and make such record thereof accordingly. And then the said Counsellors and Recorder, or such of them as shall then and there be present, shall take the like oaths, only changing what ought to be changed for that purpose, before the said Governor if present, and if not, then before the Counsellor who shall first have taken the said oaths. And we do hereby authorize the said Governor, Counsellors, and Recorder, respectively, to administer the said oaths, and record the same accordingly. And we do hereby further ordain and establish, that the said Governor or President, and Counsellors and Recorder of Prince of Wales' Island, Singapore, and Malacca, and all succeeding Governors, Counsellors, and Recorders, before he or they shall be capable of exercising the office of Judge of the said Court, shall take in open Court, the like oaths, only

changing what ought to be changed for that purpose; whereof records shall be made, and filed among the other records of the Court from time to time. And after the said Governor or President, and Counsellors and Recorder, or so many of them as shall be assembled for that purpose, shall have taken the said oaths, this our Charter, and the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, shall be proclaimed and published in due manner, and proceed forthwith to the execution of the several authorities hereby vested in it.

This Charter to be proclaimed, and thereupon all other Courts but those hereby established, or authorized to be established, to cease.

It is then provided that after publication of the Charter, the former Courts should cease (proceedings not to be abated thereby), and their authority and records be transferred.

And we, of our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents for us, our heirs and successors, do give and grant unto the said United Company of Merchants of England trading to the East-Indies, and their successors for ever, all such fines, amerciaments, forfeitures, penalties, and sums of money whatsoever, as shall be ordered, charged, judged, set, or imposed upon any person or persons whatsoever, in or by the said Court, or by the said Justices of the Peace, or any of them, or otherwise howsoever, by virtue or in pursuance of the powers, grants, privileges, or authorities in these presents mentioned or contained, upon any person or persons, for or by reason of any contempts, misdemeanors, or offences whatsoever, to have, hold, receive, levy, sue for, recover, and enjoy the same, to the same United Company and their successors for ever, without any account, or any other matter or thing to be rendered or paid for the same, unto us, our heirs or successors.

The King grants to the Company all fines, &c. imposed by the Courts of Justice, &c.

Provided always, that it shall be lawful, and we hereby authorize and empower the said Court of Judicature to order satisfaction to be made to any prosecutors, for any crimes committed or contempts incurred, as to the said Court shall seem reasonable and fit, out of any fine or fines to be set or imposed upon any person or persons who shall be convicted before and fined by them; and we will, that such fines shall be paid according to such order to be given by the said Court.

Power for the Court to make satisfaction to prosecutors;

And we do hereby, for us, our heirs and successors, give and grant unto the said United Company of Merchants of England trading to the East-Indies and their successors, full power and authority to sue for, recover, and levy, all and every the said fines, amerciaments, forfeitures, penalties, and sums of money, by any action or actions, or by such other suits, actions, ways, means, and proceedings, as may be lawfully had and prosecuted in our said Court, in their corporate names, or by any other lawful ways or means, either in the name of us, our heirs or successors, or of the said United Company or their successors, and to collect, take, seize, and levy the said fines, amerciaments, forfeitures, penalties, and sums of money, in and by these presents granted, or mentioned to be granted, from time to time, by the proper officers and ministers of the said United Company and their successors, to the only proper use and behoof of them and their successors, without any writ, warrant, or other process out of the Exchequer of us, our heirs or successors, or any other Court or Courts of us, our heirs and successors, whatsoever and wheresoever, to be had and obtained in that behalf, any usage or custom to the contrary thereof in any wise notwithstanding; subject nevertheless to such orders as shall be made for the satisfaction of prosecutors, as herein-before directed.

with powers to sue for and recover the same.

And we hereby further will and direct, that the said Court, and the Justices of the Peace in their said Courts of General and Quarter Sessions, shall by themselves, or by the proper officers of the said Court, deliver to the Governor or President in Council, or their secretary, four times in every year, at periods to be fixed by them, upon oath, an estreat-roll of all fines, amerciaments, forfeitures, penalties, and sums of money, which shall from time to time have been set, imposed, lost, or forfeited by any person or persons whomsoever, at or by, or before the said Courts; and it shall thereupon be lawful for the said Governor or President and Council to mitigate or discharge the same, or to give such order for the recovery thereof, by the process of the said Court or otherwise, as there shall be occasion.

Estreat-roll of fines, &c. to be delivered to the Governor and Council, to be filed in the Court of Revenue.

And we do hereby strictly charge and command all Governors, Commanders, Magistrates, Ministers, civil and military, and all our liege subjects within or belonging to the said settle-

All the King's subjects to be aiding and assisting.

ment and places aforesaid, that in the execution of the several powers, jurisdictions, and authorities hereby granted, made, given, or created, they may be aiding, assisting, and obedient in all things, as they will answer at their peril.

Power reserved for making further provisions for the administration of justice.

Provided always, that nothing in these presents contained, or any act which shall be done under the authority thereof, shall extend, or be construed to extend to prevent us, our heirs and successors, upon the surrender of this Charter by the said United Company or their successors, or upon the petition of the said United Company or their successors to us, our heirs or successors, without surrender thereof, to repeal these presents, or any part thereof, or to make such further or other provision, by Letters Patent, for the administration of justice, civil and criminal, within the said settlement of Prince of Wales' Island, Singapore, and Malacca, and the places now, or at any time hereafter to be annexed thereto, as to us, our heirs and successors, shall seem fit, in as full and ample manner as if these presents had not been made, these presents, or any thing herein-contained, to the contrary thereof in any wise notwithstanding.

In witness whereof, &c.

Letters Patent *for the Bishopric of Calcutta, dated the Second Day of May, one thousand eight hundred and fourteen.*

[Several parts of these Letters Patent having been made void by instruments of later date, and others being of purely temporary application, are omitted.]

George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, to all to whom these presents shall come, greeting.

Whereas the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of our loving subjects resident within our territories under the government of the United Company of Merchants of England trading to the East-Indies, and whereas no sufficient provision has been made for the supply of persons duly ordained to officiate as Ministers of the United Church of England and Ireland within the said territories, and our aforesaid subjects are deprived of some offices prescribed by the liturgy and usage of the Church aforesaid, for want of a Bishop residing within the same; for remedy of the aforesaid inconveniences and defects, we have determined to erect the aforesaid territories into a Bishop's See, and we do by these presents erect, found, ordain, make and constitute the said British territories in the East-Indies to be a Bishop's See, and to be called from henceforth the Bishopric of Calcutta; and to the end that this our intention may be carried into due effect, we having great confidence in the learning, morals, probity, and prudence of our well-beloved Thomas Fanshaw Middleton, Doctor in Divinity, do name and appoint him to be Bishop of the said See of Calcutta, so that the said Thomas Fanshaw Middleton shall be and be taken to be Bishop of the Bishop's See of Calcutta, and may by virtue of this our nomination and appointment enter into and possess the said Bishop's See as the Bishop thereof, without any let or impediment of us, our heirs, or successors, subject nevertheless to the powers of revocation and to the rights of resignation hereinafter more particularly expressed. Moreover, we will and ordain by these presents, that the Bishop of the said See of Calcutta and his successors, shall be subject and subordinate to the Archiepiscopal See of the province of Canterbury and to the Most Reverend Father in God Charles Lord Archbishop of Canterbury, Primate of all England and Metropolitan, and his successors, in the same manner as any Bishop of any See within the province of Canterbury in our kingdom of England is under the authority of the aforesaid Archiepiscopal See of Canterbury and the Archbishop thereof, save and except in the matter of appeals from judgments, decrees, and sentences pronounced by the Bishop of Calcutta or his successors, or by his or their Commissaries, which we will shall not be made to the said Archbishop or to his Courts, but shall be made to Com-

missioners appointed by us or our successors, in manner hereinafter set forth. And to the end that all the matters and things herein prescribed may have their due effect, we do hereby signify to the Most Reverend Father in God Charles Lord Archbishop of Canterbury, Primate of all England and Metropolitan, that we have erected and founded the aforesaid Episcopal See of Calcutta, and have named and preferred our beloved Thomas Fanshaw Middleton, Doctor in Divinity, to the said Bishopric, and have appointed him the Bishop and ordinary pastor thereof, requiring, and by the faith and love whereby he is bound unto us, commanding him to consecrate the aforesaid Thomas Fanshaw Middleton Bishop of Calcutta in manner accustomed, and diligently to do and perform all other things appertaining to his office in this behalf with effect. And we do by these presents give and grant to the said Thomas Fanshaw Middleton and his successors, Bishops of Calcutta, full power and authority to confer the orders of Deacon and Priest, to confirm those that are baptized and come to years of discretion, and to perform all the other functions peculiar and appropriated to the office of a Bishop, within the limits of the said See, but not elsewhere, such Bishop and his successors having been first duly ordained or consecrated Bishops according to the form prescribed by the liturgy of the Church of England, and also by himself or themselves, or by his or their Commissary or Commissaries, to exercise jurisdiction, spiritual and ecclesiastical, in and throughout the said See and Diocese, according to the ecclesiastical laws of our realm of England, which are lawfully made and received in England, in the several causes and matters herein-after in these presents expressed and specified, and no other: and for a declaration of our royal will concerning the special causes and matters in which we will that the aforesaid jurisdiction shall be exercised, we have further given and granted, and do by these presents give and grant to the aforesaid Bishop and his successors full power and authority, by himself or themselves, or by his or their Commissary or Commissaries, by him or them to be thereunto specially authorized, to grant licences to officiate to all Ministers and Chaplains of all the churches or chapels or other places within the said Diocese wherein divine service shall be celebrated according to the rites and liturgy of the Church of England, and to visit all such Ministers and Chaplains and all Priests and Deacons in holy orders of the United Church of England and Ireland resident in their said Diocese, with all and all manner of jurisdiction, power, and coercion ecclesiastical, that may be requisite in the premises: as also to call before him or them, or before his or their Commissary or Commissaries, at such competent days, hours, and places whatsoever, when and as often as to him or them shall seem meet and convenient, the aforesaid Ministers, Chaplains, Priests, or Deacons in Holy Orders of the United Church of England and Ireland, or any of them, and to inquire by witnesses, to be sworn in due form of law, and by all other lawful ways and means by which the same may be best and most effectually done, as well concerning their morals as their behaviour in their said offices and stations respectively, and we do hereby authorize and empower the said Bishop and his successors, and his and their Commissary or Commissaries to administer all such oaths as are accustomed and may by law be administered according to the ecclesiastical laws of our realm of England, and to punish and correct the aforesaid Chaplains, Ministers, Priests, and Deacons in Holy Orders of the United Church of England and Ireland according to their demerits, whether by deprivation, suspension, or other such ecclesiastical censure or correction as they would be liable to according to the ecclesiastical laws aforesaid. And for the further accomplishment of our intention, and for aiding the said Bishop of Calcutta according to the laws and customs of the United Church of England and Ireland in the due and Canonical superintendence of ecclesiastical persons and affairs, we do hereby erect, found, and constitute one Archdeaconry in and over the Presidency of Fort William in Bengal, to be styled the Archdeaconry of Calcutta, and one other Archdeaconry in and over the Presidency of Fort St. George, on the coast of Coromandel, to be styled the Archdeaconry of Madras, and also one other Archdeaconry in and over the Presidency and Island of Bombay, on the coast of Malabar, to be styled the Archdeaconry of Bombay. * * * * * *

In other parts of these Letters, not inserted, the Archdeacons are declared to be Commissaries of the Bishop, with the usual ecclesiastical jurisdiction of such officers. Power is also granted to the Bishop to fill vacancies in the office of

Archdeacon by appointments from the Chaplains of the Company; and to appoint Registrars, or persons to act as such at all the presidencies. But since the establishment of the Sees of Madras and Bombay, the Archdeacons of those places are no longer appointed by the Bishop of Calcutta, nor are they Commissaries of that Bishop. The right of the Bishop of Calcutta to appoint Registrars, &c. at Madras and Bombay has also ceased.

And moreover we command, and by these presents for us, our heirs and successors, strictly enjoin, as well the Court of Directors of the said United Company and their Governors, officers and servants, as all and singular, and Governors, Judges, and Justices, and all and singular Chaplains, Ministers, and other our subjects within the parts aforesaid, that they and every of them be in and by all lawful ways and means aiding and assisting to the said Bishop and Archdeacons and his and their successors in the execution of the premises in all things. Nevertheless, we will, and do by these presents declare and ordain, that in all grave matters of correction which are accustomed according to the practice of the ecclesiastical laws of our realm of England, to be judicially examined, the same shall in like manner be judicially examined and proceeded in before the said Bishop and his successors, or his or their Commissary or Commissaries aforesaid, in the respective Archdeaconries in which the party to be proceeded against shall reside, and all such causes shall be proceeded in to final sentence in due form of law. * * And further, we will and do by these presents declare and ordain, that if any person against whom a judgment or decree shall be pronounced by the said Bishop or his successors, or by his or their Commissary or Commissaries, shall conceive himself to be aggrieved thereby, it shall be lawful for such person to appeal to us, our heirs or successors, provided such appeal be entered within fifteen days after such sentence shall have been pronounced; and we do hereby nominate, constitute and appoint the Judges of our Supreme Court of Judicature at Calcutta for the time being, and the Members of the Council at Calcutta for the time being, to be our Commissioners delegate, to hear such appeals, and that such Commissioners delegate, or any three of them, of whom one shall be a Judge of the said Supreme Court of Judicature, shall have power finally to decide and determine the said appeals in as ample manner and form as the Commissioners appointed under our great seal, by virtue of the Statute made in the twenty-fifth year of the reign of King Henry the Eighth, intituled, "An Act for the submission of the Clergy and restraint of Appeals," can or may hear and definitely determine appeals from any of the Courts of the Archbishops of our realm of England, provided always, that in any sentence to be given by the said Commissioners delegate, one at least of the said Judges of the Supreme Court of Judicature shall concur. And we do further direct, that the person appointed to act as registrar within the Archdeaconry of Calcutta, shall act as registrar of the said Commissioners delegate, or if there be no such registrar, or such registrar be unable to act, the said Commissioners delegate may assume an actuary to do all acts as their registrar. And we do further will, declare and ordain, that in case any proceeding shall be instituted against any Archdeacon, such proceeding shall originate and be carried on before our said Commissioners delegate, whom we hereby authorize and direct to take cognizance of the same. And we further will, and do by these presents declare and ordain, that in case any Archdeacon appointed as aforesaid, or Chaplain duly appointed by the Court of Directors of the said United Company, shall be for any cause whatever deprived of his said office or suspended therefrom, or inhibited from preaching the word of God, or exercising his holy office within the limits of the presidency to which he shall have been appointed, or shall be subjected to any ecclesiastical punishment or censure whatsoever by the said Bishop of Calcutta, or by his successors, or by his or their Commissary or Commissaries, a copy of the sentence in such case promulgated and given, setting forth the causes of such deprivation, suspension, or other ecclesiastical punishment or censure, shall without delay be certified and transmitted by the said Bishop and his successors, or his or their Commissary and Commissaries to the Governor-general in Council of Fort William, or the Governors in Council of Fort Saint George or Bombay, as the case may be, and we further ordain, that the Supreme Court of Judicature at Calcutta or Madras, or the Recorder's Court at Bombay, as the case may be, shall have such and the like jurisdiction and power of interfering by writ

of prohibition or mandamus, subject to the same laws, restrictions, and rules of practice as is, or has been exercised by our Court of King's Bench at Westminster, in regard to proceedings in the Ecclesiastical Courts in England, regard being had nevertheless to any special provisions or exceptions contained in these our Letters Patent, and to any other laws and regulations specially applicable to, or concerning our territories in the East-Indies, or the See and Diocese of Calcutta. Moreover it is our Royal will, and we do hereby declare and ordain, that nothing in these presents contained shall extend, or be construed to extend, to repeal, vary, or alter the provisions of our several Charters of the twenty-sixth day of March, in the fourteenth year of our reign, the twenty-sixth day of December, in the forty-first year of our reign, and the twenty-eighth day of February, in the twenty-eighth year of our reign, whereby ecclesiastical jurisdiction was given to the said Courts of Judicature and Recorder's Court respectively, so far as the same does not appertain to the correction of Clerks, or the spiritual superintendence of ecclesiastical persons, or to give to the said Bishop or Archdeacons, or their successors, any authority or jurisdiction whatever in matters now cognizable in the said Courts, except as herein last before excepted. Moreover, we will and grant by these presents, that the said Bishop and Archdeacons respectively, be bodies corporate, and do ordain, make, and constitute him and them to be perpetual Corporations, and to have perpetual succession, and that he and they, and his and their successors be for ever hereafter called and known by the names of Bishop of Calcutta, and Archdeacon of Calcutta, Madras, and Bombay respectively, and that they and their successors by the names aforesaid shall be able and capable in the law, and have full power to purchase, have, take, hold, and enjoy such manors, messuages, lands, rents, tenements, annuities, and hereditaments, of what nature or kind soever, in fee and in perpetuity, or for term of life or years, as by grant or licence from the said United Company, they shall at any time be authorized to take, hold or enjoy, and also all manner of goods, chattels, and things personal whatsoever, of what nature or value soever; and that they and their successors, by and under the said name, may prosecute claim, plead and be impleaded, defend and be defended, answer and be answered in all manner of Courts, of us, our heirs and successors, and elsewhere, in and upon all and singular causes, actions, suits, writs, and demands, real, personal and mixed, as well temporal as spiritual, and in all other things, causes, and matters whatsoever. And that the said Bishop and his successors shall and may for ever hereafter have and use a corporate seal, and the said seal from time to time at his and their will and pleasure, break, change, alter or make new as to him or to them shall seem expedient. And we do hereby further declare, that nothing herein contained, shall extend, or be construed to extend, to limit or abridge any power, now by law vested in the Governor-general in Council, or Governors in Council of Fort William, Fort Saint George, and Bombay respectively, as to the residence of any person whatsoever within the territories under the government of the said United Company. And we do hereby declare, that if we, our heirs or successors, shall think fit to revoke or recall the appointment of the said Bishop of Calcutta, or his successors, or of the Archdeacons of Calcutta, or Madras, or Bombay respectively, for the time being, and shall declare such our pleasure by Letters Patent under our great seal of our United Kingdom, then every such Bishop or Archdeacon shall from and after the notification thereof, in such manner as in the said Letters Patent shall from time to time be directed to the said Bishop or Archdeacons respectively, to all intents and purposes, cease to be Bishop of Calcutta, or Archdeacon of Calcutta, Madras, or Bombay, as the case may be. And for removing doubts with respect to the validity of resignations of the said offices of Bishop, or Archdeacon, it is our further will that if the said Bishop or any of his successors shall by instrument under his hand and seal delivered to our Commissioners delegate aforesaid, and to be by them accepted and registered, or any of the said Archdeacons or their successors by a like instrument delivered to the Bishop of Calcutta, for the time being, and by him accepted and registered, resign the office of Bishop of Calcutta, or Archdeacon, as aforesaid, such Bishop, or Archdeacon, shall forthwith cease to be Bishop of Calcutta, or Archdeacon, as the case may be, to all intents and purposes, but without prejudice to any responsibility to which he may be liable, in law or equity, in respect of his conduct in his said office.

Letters Patent *respecting the Bishoprics of Calcutta and Madras, dated the thirteenth Day of June, one thousand eight hundred and thirty-five.*

So much of these Letters as consist of recital or revocation of former Letters is omitted.

And whereas it is our intention by Letters Patent under the great seal of our said United Kingdom, bearing even date with these presents, to erect, found, and constitute our territories in the East-Indies, within the limits of the Presidency of Madras, and also our territories within the said Island of Ceylon, to be a Bishop's See, and to be called from henceforth the Bishopric of Madras, and to name and appoint our well-beloved Daniel Corrie, Doctor of Laws, now Archdeacon of Calcutta, to be Bishop of the said See of Madras, and to grant to such Bishop of Madras, and his successors, such or the like ecclesiastical jurisdiction, and the exercise of such or the like episcopal functions within the said See of Madras as were heretofore enjoyed and exercised by the said Bishop of Calcutta within the limits of the said Presidency of Madras, and within our territories in the said Island of Ceylon. And we do further will and ordain, that the Bishop of the said See of Calcutta for the time being, shall be and be deemed and taken to be the Metropolitan Bishop in India, and shall have and enjoy and exercise such ecclesiastical jurisdiction as herein-after is mentioned, (subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being, in the same manner as the said Bishop of Calcutta was subject and subordinate to the Archiepiscopal See of the province of Canterbury, in the exercise of all ecclesiastical jurisdiction and powers which previously to these our Letters Patent were vested in the said Bishop). And we will and ordain, that the said Bishop of Madras shall be a suffragan to the said Bishop of Calcutta and his successors. And we give and grant unto the said Bishop of Calcutta and his successors, full power and authority to perform all functions peculiar and appropriated to the office of Metropolitan within the limits of the said See of Madras, and to exercise metropolitical jurisdiction over the Bishop of Madras and his successors, and the Archdeacon of Madras and Colombo, and all other Chaplains, Ministers, Priests, and Deacons in Holy Orders, of the united Church of England and Ireland, within the limits of the said Diocese of Madras. And we do, by these presents, give and grant unto the said Bishop of Calcutta and his successors, full power and authority to visit once in every five years, or oftener if occasion shall require, as well the said Bishop of Madras and his successors, as all Ministers and Chaplains, and all Priests and Deacons in Holy Orders of the united Church of England and Ireland, resident in the said Diocese of Madras, for correcting and applying the defects of the said Bishop of Madras and his successors, with all and all manner of visitatorial jurisdiction, power, and coercion. And we do hereby authorize and empower the said Bishop of Calcutta and his successors to inhibit, during any such visitation of the said Diocese of Madras, the exercise of all or of such part or parts of the ordinary jurisdiction of the said Bishop of Madras or his successors, as to him the said Bishop of Calcutta or his successors shall seem expedient, and during the time of such visitation to exercise by himself or themselves, or his or their Commissaries, such powers, functions, and jurisdictions in and over the Diocese of Madras, as the said Bishop of Madras might have exercised if he had not been inhibited from exercising the same. And we do further ordain and declare, that if any person against whom a judgment or decree shall be pronounced by the said Bishop of Madras or his successors, or his or their Commissary or Commissaries, shall conceive himself to be aggrieved by such sentence, it shall be lawful for such person to appeal to the said Bishop of Calcutta or his successors, provided such appeal be entered within fifteen days after such sentence shall have been pronounced. And we do give and grant to the said Bishop of Calcutta and his successors, full power and authority finally to decree and determine the said appeals, in as ample a manner as any of the Archbishops of England can or may hear and determine appeals from the Courts of the Bishops within his province. And we do hereby authorize and empower the said Bishop of Calcutta and his successors, and his and their Commissary or Commissaries, to administer in his and their metropolitical and visitorial and appellate jurisdiction over the said See of Madras, all such oaths as the said Bishop of Calcutta and his predecessors have been accustomed lawfully to administer in his and their ordinary jurisdiction. Nevertheless we do will, and by

these presents declare and ordain, that in the exercise of the metropolitical, visitorial, and appellate jurisdiction aforesaid, hereby limited and given to the said Bishop of Calcutta and his successors, all grave matters of correction which are accustomed according to the practice of the ecclesiastical laws of England to be judicially examined, shall in like manner be judicially examined and proceeded in before the said Bishop of Calcutta and his successors, or his or their Commissary or Commissaries, and all such causes shall be proceeded into final sentence in due form of law. And we do further will and ordain, that in case any proceedings shall be instituted against any Bishop of Madras, such proceedings shall originate and be carried on before the said Bishop of Calcutta, whom we hereby authorize and direct to take cognizance of the same. And we further will, that during a vacancy of the said See of Calcutta, by the demise of the Bishop thereof for the time being, or otherwise, the episcopal jurisdiction and functions appertaining to the said See shall be exercised by the Bishop of Madras for the time being, and in case of a vacancy of the said See of Madras, then the same jurisdiction and functions shall be exercised as far as by law they may by the Archdeacon of Calcutta for the time being, or in case of a vacancy of the said Archdeaconry, then by the Archdeacon of Madras, or the Archdeacon of Bombay, or by two Clergymen of the Church of England resident within the Diocese of Calcutta, as may be directed by the Governor-general of India in Council. And we do further will, that during the vacancy of the said See of Madras, by the demise of the Bishop thereof for the time being, or otherwise, the episcopal jurisdiction and functions appertaining to such See shall be exercised by the Bishop of Calcutta for the time being, and in case of a vacancy of the said See of Calcutta, then the same jurisdiction and functions shall be exercised as far as by law they may, by the Archdeacon of the See of Madras for the time being, or in case of a vacancy of such Archdeaconry, then by two Clergymen of the Church of England, resident within the Diocese, as may be directed by the Governor-general of India in Council. And we further will and ordain, that a copy of every sentence of deprivation, suspension, or other ecclesiastical punishment or censure whatsoever, promulgated, or given, or affirmed by the said Bishop of Calcutta or his successors, in the exercise of his or their metropolitical, visitorial, or appellate jurisdiction, shall be certified and transmitted to the same persons, and in the same manner as copies of sentences promulgated or given by the said Bishop of Calcutta, or his successors, in the exercise of his or their ordinary jurisdiction, ought to be certified and transmitted. And we further ordain, that the said Supreme Court of Judicature at Calcutta, Madras, or Bombay, or in Ceylon (as the case may be) shall have such and the like jurisdiction and power of interfering by writ or prohibition, or mandamus, in regard to all proceedings to be had or instituted, or which might be had or instituted, in pursuance of these presents, subject to the same laws, restrictions, and rules of practice, as is, or has been exercised by our Court of King's Bench, at Westminster, in regard to proceedings in the Ecclesiastical Court in England, regard being had, nevertheless to any special provisions or exceptions contained in these our Letters Patent, and to any other laws and regulations specially applicable to, or concerning our territories in the East-Indies, or the See and Diocese of Calcutta. Moreover it is our Royal will, and we do hereby declare and ordain, that nothing in these presents contained shall extend, or be construed to extend, to repeal, vary, or alter the provisions of the several Charters, whereby ecclesiastical jurisdiction has been given to the said Court of Judicature respectively, so far as the same does not appertain to the correction of Clerks, or the spiritual superintendence of ecclesiastical persons, or give to the said Bishop of Calcutta, or his successors, any authority or jurisdiction whatever in matters now cognizable in the said Courts, except as herein last before excepted. And moreover, we command and enjoin the Court of Directors of the East-India Company, and their Governors, officers, and servants, and our Governor of Ceylon, and all and singular our Governors, Judges, and Justices, and all and singular Chaplains, Ministers, and others our subjects, within the parts aforesaid, that they and every of them be in and by all lawful ways and means aiding and assisting to the said Bishop of Calcutta and his successors in the execution of the premises in all things.

Since the date of the above Letters Patent, the provisions of the 3 & 4 Wm. 4, cap. 85, for the erection of a Bishopric at Bombay, subject to the Metropolitan jurisdiction of Calcutta, have been carried into effect.

APPENDIX.

PART II.

BY-LAWS OF THE EAST-INDIA COMPANY.

APPENDIX.

PART II.

BY-LAWS FOR THE GOVERNMENT OF THE CORPORATION OF THE EAST-INDIA COMPANY.

CHAPTER I.

Accounts.

Section 1.—It is ordained, that the books containing the general accounts of this Company in England shall be balanced to the 30th day of April yearly, and the balance be drawn out within six calendar months after the receipt of the Indian books of account, corresponding in period with the books about to be balanced in England.

Books of the Company in England to be balanced yearly to the 30th April, and balance drawn out within six months of receipt of Indian books.

Sec. 2.—*Item*, It is ordained, that the books of this Company's affairs in India shall, once every year, be balanced in every of the said Company's stations to the 30th April in each year; and transcripts or copies thereof, signed by the chief civil servant of each station, and those from the Presidency by the Accountant-general, shall be sent to England by the first opportunity following: that those persons, whose duty it shall be to make up the same, and who shall refuse or neglect so to do, shall become thereby liable to dismission from the Company's service; and that those accounts, when prepared, shall be accordingly transmitted to England by the first safe conveyance.

Indian books to be balanced yearly to the 30th April, and copies sent home duly signed.

Officers neglecting liable to dismission.

Sec. 3.—*Item*, It is ordained, that the secretary or his assistant in the department of accounts, or such other officer as the Court of Directors may appoint, with the person keeping the journal in that department, do, within fourteen days after the end of every month, examine all entries of receipts and payments of that month by their respective vouchers, and the additions and balance thereof, and certify under their hands, upon the cash-book, that they have so done, and how they find the same.

Secretary, assistant, or other officer, with person keeping journal in department of accounts, to examine all entries of receipts and payments monthly and certify the result.

Sec. 4.—*Item*, It is ordained, that all accounts shall be examined by the respective Committees, and pass the Court of Directors quarterly.

Accounts to be examined by Committees, and pass Court of Directors quarterly.

CHAPTER II.

Buying, Selling, Hiring, and Contracting.

Abstracts of all tenders to be entered, and to remain on the records.

Sec. 1.—*Item*, It is ordained, that an abstract, containing the substance of every tender for selling or furnishing to this Company any sort of goods or merchandize, or for performing any business whatsoever, shall be entered as the same is received, and remain upon the records of the Company.

Purchases for exportation, with certain exceptions, to be made by open competition, and no private contract completed without approval of Court of Directors.

Sec. 2.—*Item*, It is ordained, that all purchases for exportation by the Court of Directors, or any Committee thereof, excepting bullion, be made by open competition (excepting in cases where the Court or Committee shall be of opinion that this mode cannot be adopted beneficially for the Company); and that, in all such cases, no private contract shall be completed without the concurrence and approval of the Court of Directors to such contract.

Provisions of Act 57 G. 3, c. 83, relating to building, hiring, and contracting for ships for Company's service, to be considered By-Laws of Company.

Sec. 3.—*Item*, It is ordained, that all the provisions regulating the mode of building, hiring, and contracting for ships for the service of the Company, which are contained in the Act of the 58th Geo. 3, cap. 83, intituled, "An Act to amend and reduce into one Act the several Laws relating to the manner in which the East-India Company are required to hire Ships," shall be and be considered as by-laws of this Company. (1)

(1) [The Act here referred to will be found in its proper place in this Collection.]

Tenders of ships to be made by one or more owners in writing, and to express names of all other owners.

Sec. 4.—*Item*, It is ordained, that the Court of Directors shall not accept the tender of any ship, but such as shall be first made by one or more of the owners in writing, wherein shall be expressed the names of all the other owners.

CHAPTER III.

By-Laws.

A Committee of By-Laws to be chosen annually in June; number to be fifteen; quorum five; to meet twice at least in the year; duties.
To be summoned by Secretary on requisition of two members.

Section 1.—*Item*, It is ordained, that at the General Court to be held yearly in the month of June, a Committee of fifteen shall be chosen, whereof five to be a quorum, who being hereby authorized and empowered, are required to meet at least twice in the year, to inspect the By-laws, and to make inquiry into the observance and execution of them, and to consider what alterations and additions may be proper to be made, and to report their opinion from time to time to the General Court; and that the said Committee shall be summoned to meet, by the Secretary for the time being, on the requisition of any two members thereof.

By-Laws to be read on certain occasions.

Sec. 2.—*Item*, It is ordained that the By-laws shall be read in the first Court of Directors, and first General Court after every annual election.

By-Laws not to be varied without consent of two General Courts.
Notice to be given.

Sec. 3.—*Item*, It is ordained that no By-laws shall be ordained, altered, repealed, or suspended without the consent and approbation of two General Courts, specially to be called for that purpose: of the first of which General Courts fourteen days' public notice at the least shall be given.

CHAPTER IV.

Cash.

Section 1.—*Item*, It is ordained, that the Court of Directors shall not invest any of the Company's money in purchasing any part or share in the capital stock of this Company, without the consent of the General Court first had.

Company's money not to be invested in Company's stock, without consent of General Court.

Sec. 2.—*Item*, It is ordained, that the Court of Directors shall not invest any of the Company's money in shipping, excepting for the service of the Company.

Company's money not to be invested in shipping, except for Company's service.

Sec. 3.—*Item*, It is ordained, that the cash of this Corporation, except such sums as the Court of Directors shall think necessary to trust under the care of the Company's cashier, from time to time, for the current business, shall be kept at the Bank of England, in such method as the Court of Directors shall appoint.

Cash to be kept at Bank of England.

Sec. 4.—*Item*, It is ordained, that for every sum drawn out of the Bank of England, a write-off or draft shall be signed by the Chairman or Deputy Chairman for the time being, and one other Director of the Finance and Home Committee, and countersigned by the principal cashier or his first assistant, or by such other officer or officers as the Court of Directors shall appoint for that purpose, and that no other person but the principal cashier or his first assistant shall present the said write-off or draft for payment; excepting nevertheless, that all bills of exchange accepted by order of the Court of Directors, and the dividends on the Company's capital stock, and also orders for monies made payable to others than the cashier or his first assistant, may, if the Court of Directors should think fit so to direct, be paid at the Bank of England, in such manner as may be arranged between the Court of Directors and the Bank.

Write-off or draft for sums drawn out of the Bank of England to be signed by certain Directors.

Countersigned and presented for payment by certain officers.

Exceptions as to presentation for payment.

Sec. 5.—*Item*, It is ordained, that no money relating to the affairs of the Company shall be disposed of without an order of the Court of Directors, and that the interest, and all other advantages arising and growing upon the cash of the Company, shall be brought to the account of the said Company.

No money to be disposed of without order of Court of Directors.

All profits to be brought to account of Company.

Sec. 6.—*Item*, It is ordained, that the book containing the state of the cash shall be laid before the Court of Directors once in every week by the cashier, and that he sign the same.

Book containing state of cash to be laid before Court of Directors weekly, signed by cashier.

Sec. 7.—*Item*, It is ordained, that the Chairman or Deputy Chairman, and two of the Court of Directors, do once a month, or oftener, examine the several species whereof the balance of the cash consists, and certify the same under their hands.

Chairman, Deputy, and two Directors to examine and certify balance of cash monthly.

Sec. 8.—*Item*, It is ordained, that no unlimited vote of credit shall be given by the Court of Directors to the Finance and Home Committee on the Company's account.

No unlimited vote of credit to be given to Finance and Home Committee.

Sec. 9.—*Item*, It is ordained, that no bill of exchange, draft, or note, other than notes of the Bank of England, shall be taken in any payment whatsoever to the Company, except bankers' notes payable on demand, for the due payment whereof the parties paying them in shall engage to be responsible for the three following days.

No bills, drafts, or notes to be taken, except notes of the Bank of England, and bankers' notes payable on demand, for which parties paying shall be responsible.

CHAPTER V.

Committees.

Reports of Committees to be laid before Court of Directors within eight days.

Section 1.—*Item*, It is ordained, that the report of every Committee appointed by the Court of Directors shall be signed and laid before a Court of Directors within eight days.

Quorum of Finance and Home Committee to be three.

Sec. 2.—*Item*, It is ordained, that the quorum of the Finance and Home Committee shall never consist of less than three Directors.

CHAPTER VI.

Directors, Officers, and Servants.

A Court of Directors to be held once in every week.

Section 1.—*Item*, it is ordained, that a Court of Directors shall be summoned and held once in every week, at the least.

Chairman and Deputy Chairman to be chosen annually by ballot, and allowed £500 a year; every other Director to be allowed £300 a year.

Sec. 2.—*Item*, It is ordained, that at the first Court of Directors after every annual election, a Chairman and Deputy Chairman shall be chosen for the year by the ballot, and that each of them be allowed five hundred pounds a year, every other Director three hundred pounds a year, for his attendance upon the business of this Company.

No Director to have any dealings with the Company except at its public sales.

Sec. 3.—*Item*, It is ordained, that in all cases, no Director of this Company shall have any dealings or business with the Company upon his own account, either separately or in conjunction with any other person or persons, for or in respect of buying for, or selling to, the Company, any bullion or other goods, or in the making of any other bargain or contract by, to, or with this Corporation, other than at any of the Company's public sales.

No Director to tender any ship in which he is interested.

Interest in ships in Company's service acquired incidentally, to be reported to Court of Directors, and disposed of within twelve months.

In default Directors liable to be removed.

Sec. 4.—*Item*, It is ordained, that no Director of this Company shall, directly or indirectly, tender to the Court of Directors any ship or vessel of which he shall be an owner or part, owner; and that in case any ship or shares of ships, in the service of the said Company shall come to a Director by bequest or marriage, or as next of kin of any person who shall die intestate, such Director shall give notice in writing to the Court of Directors of his being so interested, and shall sell and dispose of his interest in such shipping within twelve months next after the same shall have accrued, or in default thereof shall be liable to be removed from the office of a Director.

No Director to give a vote respecting goods wherein he is concerned.

Sec. 5.—*Item*, It is ordained, that no Director shall give his vote for any lot of goods bought at the Company's sale, or for making any allowance for any goods so bought, wherein he shall be directly or indirectly concerned.

Directors to withdraw during debates in which they are personally concerned, and when question put.

Sec. 6.—*Item*, It is ordained, that if any debate shall arise in the Court of Directors concerning any Director, or any matter or thing wherein any Director shall be personally concerned, every such Director, having been first heard, shall withdraw during such debate, and when the question thereon is put.

Director taking any fee, present, or reward, to forfeit double the amount received,

Sec. 7.—*Item*, it is ordained, that if any Director shall take any fee, present, or reward, directly or indirectly, upon any account whatsoever, relating to the business or affairs of the Company or his office of a Director, he shall forfeit to the use of this Company double the

amount received, be liable to be removed from his office of Director, and shall be, *ipso facto*, incapable thereafter of holding any other place whatsoever, or any employment or pension under the Company.

be liable to be removed, and be incapacitated from holding office or pension under Company.

Sec. 8.—*Item*, It is ordained, that if any member of this Corporation shall offer any present or reward, directly or indirectly, to any Director or other officer of this Company, upon any account whatsoever relating to the business or affairs of this Company, such member shall forfeit to the use of this Company double the amount offered; and, if a Director, shall be liable to be removed from that office, and in all cases shall be for ever incapable of holding any pension, employment, or office, the qualification for which is subject to regulation by the General Court.

Member of Corporation offering present or reward to Director or officer, to forfeit double the amount offered; if a Director, liable to be removed, and in all cases incapacitated from holding pension or office.

Sec. 9.—*Item*, It is ordained, that every Director going beyond sea shall make a report thereof to the Court of Directors, who shall notify his absence to the General Court after it shall have exceeded the period of one year, and such Director shall thereupon be liable to be removed from his office of Director.

Director going beyond sea to make report to Court of Directors. Absence of more than a year to be notified to General Court, and Director liable to be removed.

Sec. 10.—*Item*, It is ordained, that any Director who shall hold any office or place of emolument under the Crown, shall be liable to be removed from his office of Director. Provided always, that this By-law shall not affect any person at present in the Direction, who may have held an office under the Crown when this liability was first imposed, or preclude his being re-elected to be a Director, or subject him to be liable to be removed from the said office.

Director holding office under the Crown liable to be removed. Except held when such liability first imposed.

Sec. 11.—*Item*, It is ordained, that if any Director shall be guilty of a wilful breach of any of the By-laws of this Corporation, to which any other special penalty is not annexed, and shall be so adjudged by a General Court, he shall be liable to be removed from his office of Director, and shall be incapable thereafter of holding any other office or employment under this Company; and if any other officer or servant of this Company shall be guilty of a wilful breach of any of the By-laws of the Corporation, to which any other special penalty is not annexed, he shall be dismissed from the service, and be incapable of holding any office or employment under this Company, the qualification for which is subject to the regulation of the General Court.

Director guilty of wilful breach of By-Laws, to which no other special penalty is annexed, to be liable to be removed, and to be incapacitated from holding office.

Other officer so offending to be dismissed and incapacitated.

Sec. 12.—*Item*, It is ordained, that whenever there shall be a vacancy of the place of a Director, another shall be chosen in his room within a convenient time, not exceeding forty days after every such vacancy shall have been declared in the Court of Directors; and that ten days' public notice shall be given of the day upon which such choice shall be made.

Vacancies in the Direction to be filled up within forty days after declaration thereof.

Public notice to be given.

Sec. 13.—*Item*, It is ordained, that every Director shall have liberty to take copies of all accounts, letters, and papers relating to the Company's affairs, except such as are before the Secret Committee appointed by the Act 3 & 4 Wm. 4, cap. 85.

Directors may take copies of all papers, except those before the Secret Committee.

Sec. 14.—*Item*, It is ordained, that any Director who shall dissent from any resolution of the Court of Directors, shall have the liberty of entering his dissent, with the reasons thereof, on the minutes of the said Court, within fourteen days from the passing of such resolution; and that whenever the Court of Directors shall pass a resolution of protest against orders or instructions given by the Board of Commissioners for the Affairs of India, after remonstrance on the part of the Court, such resolution of protest shall be laid before the next General Court.

Directors may enter dissents on Court's minutes.

Resolutions of protest by Court of Directors against orders of Board of Commissioners to be laid before General Court.

Sec. 15.—*Item*, It is ordained, that no order shall be sent by the Directors to, or be obeyed by any persons employed in the service of this Company in India, or any other parts beyond the Cape of Good Hope, but such as shall be signed by thirteen or more of the Directors for the time being; except such orders as are directed or allowed to be issued by the Secret Committee, pursuant to the Act of Parliament, 3 & 4 Wm. 4, cap. 85.

No orders to be sent beyond the Cape of Good Hope, or obeyed there, unless signed by thirteen or more Directors; except orders from the Secret Committee.

No Director, officer, or servant, in Europe, to trade to or from India, either as principal or agent, otherwise than in the Company's joint stock.
Offender to forfeit value of *choses* in trade, and be incapable of holding office.
If Director, liable to be removed.

Sec. 16.—*Item*, It is ordained, that no Director, officer, or servant of this Company in Europe, shall trade, either as principal or agent, or execute any mercantile commission, either directly or indirectly, under any colour or pretence whatever, to or from India, otherwise than in the Joint Stock of the Company, or transact any kind of business for persons resident in India, for any gain or emolument whatever; and that whatsoever Director, officer, or servant of this Company in Europe, shall offend against this ordinance, shall forfeit to the use of this Company, the value of such goods, merchandizes, and money, as he or they shall trade for, or be concerned in executing any mercantile commission for, contrary to this ordinance, and shall be incapable of serving the Company in any place or office whatever, the qualification for which is subject to regulation by the General Court; and, if a Director, shall be further liable to be removed from that office.

No officer or servant in Europe to deal with Company, except by express permission of Court of Directors in writing.

Sec. 17.—*Item*, It is ordained, that no officer or servant of this Company in Europe, shall have any dealings or business with this Company, upon his own account or for his own profit and advantage, directly or indirectly, solely or in conjunction with any other person or persons, or in any manner whatsoever, without the express permission and authority of the Court of Directors in writing, signed by the Secretary.

No fees to be demanded or accepted, except such as are allowed by Court of Directors, and contained in a printed table publicly exhibited.

Sec. 18.—*Item*, It is ordained, that no officer or servant belonging to the Company shall, directly or indirectly, demand or accept any fee, reward, or present, other than such as shall be allowed and established by the Court of Directors, and contained in a table or tables of fees, to be printed and exposed to public view in every office where fees are allowed to be taken.

No officer or servant of Company to be a broker.

Sec. 19.—*Item*, It is ordained, that no officer or servant of this Company shall be or take upon himself the office of a broker.

CHAPTER VII.

Elections.

Member of Company endeavouring to obtain vote for election of Director by violent or corrupt means, if declared guilty, by General Court, to be incapable of holding office, and if Director, to be liable to be removed.

Section 1.—*Item*, It is ordained, that if any member of this Company shall, by menaces or promises, collusive transfer or transfers of stock, by any fee, present, reward, or remuneration, under the plea of defraying travelling expenses, or under any other plea or pretence whatsoever, directly or indirectly obtain, or endeavour to obtain, any vote for the election of himself or any other to be a Director, and be declared guilty thereof at a General Court to be called for that purpose, such person shall be incapable thereafter of holding any office, the qualification for which is subject to the regulation of the General Court; and, if a Director, be further liable to be removed from his office.

No lists to be received after glass finally sealed up.

Sec. 2.—*Item*, It is ordained, that no lists shall be received for any election, after the glass is finally sealed up according to the time prefixed.

Upon an equality of votes, election of Directors to be determined by lot.

Sec. 3.—*Item*, It is ordained, that if, upon the scrutiny for Directors, any two or more persons qualified shall have an equal number of votes, the election in such cases, shall be determined by drawing lots in the General Court in which such scrutiny shall be reported.

Questions relating to names of candidates to be determined by scrutineers, or if they are equally divided, by lot.

Sec. 4.—*Item*, It is ordained, that if on the scrutiny, two or more persons qualified for the same office have the same Christian and surnames, and are not distinguished by their additions, or if a wrong Christian name in any list is placed to a surname when but one person of that surname is qualified, or literal mistakes are made in Christian or surnames: in every of the said cases, the majority of the scrutineers may determine the person or persons intended;

but in case of the scrutineers being equally divided, the question shall be decided by drawing lots.

Sec. 5.—*Item*, It is ordained, that previous to every annual election of Directors, at least seven months' public notice shall be given thereof, and two printed lists of the names of the members who appear qualified to vote shall be ready to be delivered; the first at least five months, and the second at least fourteen days before the day of the election.

Seven months' public notice of annual election of Directors to be given, and lists of members qualified to vote be ready for delivery at two stated periods antecedent to the day of election.

Sec. 6.—*Item*, It is ordained, that a list shall be published, thirty days before the annual election of Directors, containing the names of such Proprietors, qualified agreeable to law, as shall signify in writing to the secretary their desire of becoming candidates for the direction, thirty-two days before such annual election.

Lists of candidates for the Direction to be published thirty days before annual election.

Sec. 7.—*Item*, It is ordained, that in all elections to be annually made of six Directors for four years, in pursuance of the Act of Parliament of the 13th year of his Majesty K ng George 3, cap. 63, each Proprietor voting shall give in a list, containing not more than six names of persons duly qualified to be Directors; and if any list shall contain the names of more than six persons duly qualified, every such list shall be totally rejected.

Proprietors voting at annual elections of Directors to give in list of six names.

Lists containing greater number to be rejected.

Sec. 8.—*Item*, It is ordained, that the fourth and seventh sections of this chapter shall be inserted at the end of every printed list delivered to the Proprietors, at or before the annual election.

Certain sections of this chapter to be inserted at end of printed lists delivered to Proprietors.

Sec. 9.—*Item*, It is ordained, that in all elections of Committees made by ballot in a General Court, the same method (so near as the case will admit) shall be observed, under such penalties as are before prescribed concerning the election of Directors.

Election of Committees by ballot in General Court to be conducted in same method as elections of Directors and under same penalties.

Sec. 10.—*Item*, It is ordained, that whenever two or more ballots are to be taken on distinct questions on the same day, the same ballots be taken in separate rooms; and that upon every public ballot, the Directors in charge of the glasses, at their being opened, shall require the scrutineers, should any be then present, to satisfy themselves of their being empty, and that at the conclusion of each ballot the Directors in charge of the glasses deliver the same, sealed up to the scrutineers.

Ballots on distinct questions occurring on the same day to be taken in separate rooms.

Glasses may be examined when opened, and are to be delivered sealed up when ballot is concluded.

CHAPTER VIII.

General Courts.

Section 1.—*Item*, It is ordained, that if at any General Court nine of the members present, duly qualified to vote, shall demand a ballot for determining any question, except for adjournment, or the previous question, or an amendment, such question shall be put by the ballot, and not otherwise.

A ballot to be taken when demanded by nine members present at a General Court.

Exceptions.

Sec. 2.—*Item*, It is ordained, that if any doubt shall arise in the General Court upon, or relating to, any declaration which shall be made from the Chair upon the question for adjournment, or the previous question, or an amendment, such question shall be determined by a division of the Proprietors duly qualified to vote then present.

Motions for adjournment, previous question, and amendments to be determined by division.

Sec. 3.—*Item*, It is ordained, that all questions in any General Court, except the previous question or for adjournment, shall, if required, be stated in writing, before the same shall be put, and the Chairman shall not adjourn or dissolve the Court without a question.

Questions, with certain exceptions, to be stated in writing if required.

General Court not to be adjourned or dissolved without question.

Notice of motions to forgive offences or grant money to be given and published.

Sec. 4.—*Item*, It is ordained, that no motions shall, in future, be made in a General Court, to forgive any offences committed by any of the Company's servants, or to make any grants of any sums of money out of the Company's cash, without notice being given in writing by the persons proposing the same, and published by the Court of Directors at least fourteen days previous to the holding of such General Court.

Notices of motions in General Court to be advertised.

Sec. 5.—*Item*, It is ordained, that all notices of motions for consideration in the General Court shall be advertised in two or more of the London morning newspapers, at least three days before the day of meeting, at which the motion is to be taken into consideration.

No person to be present at General Court unless possessed of £500 stock.

Sec. 6.—*Item*, It is ordained, that no persons be admitted to be present at any General Court who shall not at the time be possessed of five hundred pounds stock.

CHAPTER IX.

Offices, Salaries, Pensions, and Gratuities.

No new office to be created of more than £200 per annum without approbation of two General Courts.

Section 1.—*Item*, it is ordained, that no new office, either at home or abroad, shall be created by the Directors, with any salary exceeding the sum of two hundred pounds per annum, without the approbation of two General Courts to be summoned for that purpose.

No additional salary exceeding £200 per annum to be annexed to any office without approbation of two General Courts.

Sec. 2.—*Item*, It is ordained, that no additional salary, exceeding in the whole two hundred pounds per annum, shall be annexed to any office without the approbation of two General Courts to be summoned for that purpose.

Resolution of Court of Directors granting new or increased pensions exceeding £200 per annum to be laid in form of a report before two General Courts, and approved previously to being submitted to Board of Commissioners.
Grounds to be stated.
Resolution and report to be signed by Directors approving.

Sec. 3.—*Item*, It is ordained, that every resolution of the Court of Directors for granting a new pension or an increase of pension, exceeding in the whole two hundred pounds per annum, to any one person, shall be laid before and approved by two General Courts specially summoned for that purpose, before the same shall be submitted to the Board of Commissioners for the Affairs of India in the form of a Report, stating the grounds upon which such grant is recommended, which resolution and report shall be signed by such Directors as approve the same; and that the documents upon which such resolution may have been formed, shall be open to the inspection of the proprietors from the day on which public notice has been given of the proposed grant; and that such allowances, in the nature of superannuations, as the Court of Directors are empowered to grant to their officers and servants in England, by 53 Geo. 3, cap. 155, sec. 93, shall be laid before the next General Court.

Resolution of Court of Directors bestowing gratuity exceeding £600 to be laid in form of a report before two General Courts, and approved.
Grounds to be stated.
Resolution and report to be signed by Directors approving.
Documents on which resolution formed to be open to inspection of Proprietors.

Sec. 4.—*Item*, It is ordained, that every resolution of the Court of Directors for granting to any person, by way of gratuity, any sum of money, exceeding in the whole six hundred pounds, shall be laid before and approved by two General Courts specially summoned for that purpose, in the form of a report, stating the grounds upon which such grant is recommended, which resolution and report shall be signed by such Directors as approve the same, and that the documents on which such resolution may have been formed shall be open to the inspection of the Proprietors from the day on which public notice has been given of the proposed grant.

CHAPTER X.

Parliamentary Papers and Proceedings.

Copies of accounts and papers laid before Parliament by Court of Directors, and of bills and resolutions in Parliament regarding Company, to be laid on table of Proprietors' reading-room and before next General Court.

Proceedings of Parliament affecting Company to be submitted (before becoming law) to a General Court.

Section 1.—*Item*, It is ordained, that copies of such accounts and papers as may from time to time be laid before either House of Parliament by the Court of Directors, and copies of all bills or resolutions in either House, in anywise regarding the East-India Company, shall be laid upon the table of the reading-room appropriated to the Proprietors, and shall be laid before the next General Court; and that all proceedings of Parliament which, in the opinion of the Court of Directors, may affect the rights, interests, or privileges of the East-India Company, shall be submitted by them to the consideration of a General Court to be specially summoned for that purpose, before the same shall be passed into a law.

CHAPTER XI.

Register of Bonds and other Instruments.

Register of all bonds for money borrowed at interest to be kept.

Section 1.—*Item*, It is ordained, that the Court of Directors do cause a register of all bonds for money borrowed at interest to be kept, under the inspection of those who have the custody of the seal.

Also, register of all other instruments passing under Company's seal.

Sec. 2.—*Item*, It is ordained, that a register be kept, in like manner, for the entry of all other bonds and instruments of what kind soever, which shall pass under the Company's seal.

Register books to be laid before the Court monthly.

Sec. 3.—*Item*, It is ordained, that the Secretary for the time being do see that the said register-books be laid before the Court of Directors at the first Court in every calendar month.

CHAPTER XII.

Seal of the Company.

Company's seal to be kept under three locks, keys to be kept by Chairman or Deputy, Secretary or assistant, and Examiner or assistant.

Chairman or Deputy may place key in custody of officer.

Seal not to be set to any writing but by order of Court of Directors.

In absence of Chairman or Deputy, not to be affixed but in presence of Secretary and Examiner (or their assistants), and officer in charge of key of the Chairs.

Section 1.—*Item*, It is ordained, that the common seal of this Corporation shall be kept under three locks. That the key of one of the said locks shall be kept by the Chairman or Deputy Chairman for the time being; that the key of another of the said locks shall be kept by the Secretary or his assistant; and that the key of the third lock shall be kept by the Examiner of India correspondence or his assistant. That in case of the indispensable absence of the Chairman and Deputy Chairman, they be authorized to place their key in the custody of such other officer as they may select for that purpose: and that the said seal shall not be set to any writing or instrument but by an order of the Court of Directors first had for that purpose; and in the unavoidable absence of the Chairman or Deputy Chairman, not to be affixed but in the presence of the Secretary and the Examiner of India correspondence, or their respective assistants, and of the officer who may be in charge of the Chairman and Deputy Chairman's key.

APPENDIX.

PART III.

ACTS OF THE GOVERNMENT OF INDIA.

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ACTS OF THE GOVERNMENT OF INDIA.

ACT No. I. of 1834.

Passed by the Right Honourable the Governor-general of India in Council on the 20th November, 1834.

Be it enacted, that all acts done by the Governor-general of India in Council, or by the Vice President of Fort William in Bengal in Council, or in pursuance of any authority given by the said Governor-general in Council, or by the said Vice President in Council, between the 22nd of April, 1834, and the 14th of November, 1834, shall be valid and effectual to all intents and purposes, as if the said acts had been done before the said 22nd day of April, 1834.

ACT No. II. of 1834.

Passed by the Right Honourable the Governor-general of India in Council on the 20th November, 1834.

Be it enacted, that each of the Secretaries to the Government of India and to the Government of Fort William in Bengal, shall be competent to perform all the duties and to exercise all the powers which by any Act of Parliament or any regulation now in force, are assigned to the Chief Secretary to the Government of Fort William in Bengal, and that each of the Secretaries to the Government of Fort St. George and Bombay respectively, shall be competent to perform all the duties, and to exercise all the powers, which by any Act of Parliament, or any regulation now in force, are assigned to the Chief Secretaries to the Governments of Fort St. George and Bombay respectively.

ACT No. IV. of 1835.

Passed by the Right Honourable the Governor-general of India in Council on the 13th March, 1835.

Be it enacted, that from the 14th day of March, 1835, all powers whatever in criminal cases which, by virtue of any law now in force, may be exercised by two Justices of the Peace for the town of Calcutta, shall be exercised by one such Justice.

ACT No. IV. of 1836.

Passed by the Right Honourable the Governor-general of India in Council on the 22nd February, 1836.

It is hereby enacted, that the Act of Parliament passed in the 9th year of King George the Fourth, and entitled "An Act to provide for the Relief of Insolvent Debtors in the East-Indies until the 1st day of March, 1833," which Act was, by an Act passed in the 2nd year of King William the Fourth, continued till the 1st day of March, 1836, shall continue to be in force till the 1st day of March, 1839.

ACT No. VIII. of 1836.

Passed by the Right Honourable the Governor-general of India in Council on the 28th March, 1836.

I. It is hereby enacted, that from the 31st day of March, 1836, no person whatever shall by reason of place of birth, or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the territories subject to the Presidency of Fort William in Bengal.

II. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsif, shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen, or Moonsif, be liable to the same proceedings, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

ACT No. XI. of 1836.

Passed by the Right Honourable the Governor-general of India in Council on the 9th May, 1836.

I. It is hereby enacted, that from the 1st day of June, 1836, the 107th clause of an Act of Parliament, passed in the 53rd year of King George the Third, and entitled, "An Act for continuing in the East-India Company for a further Term the possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same, and for regulating the Trade to and from the Places within the limits of the said Company's Charter," shall cease to have effect within the territories of the East-India Company.

II. And it is hereby enacted, that from the said day and within the said territories, no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Courts herein-after mentioned; that is to say,

The Courts of Sudder Dewanny Adawlut—of the Zillah and City Judges—of the Principal Sudder Ameens—and of the Sudder Ameens, in the territories subject to the Presidency of Fort William in Bengal.

The Court of Sudder Adawlut—the Provincial Courts—the Courts of the Zillah Judges—of the Assistant Judges—of the Registers—and of the Native Judges, in the territories subject to the Presidency of Fort St. George.

The Courts of Sudder Adawlut—of the Zillah Judges—of the Native Judges—and of the Principal and Junior Native Commissioners, in the territories subject to the Presidency of Bombay.

ACT No. XIV. of 1836.

Passed by the Right Honourable the Governor-general of India in Council on the 30th May, 1836.

I. It is hereby enacted, that from the 1st June next, such parts of Regulations IX. and X. 1810, Regulation XV. 1825, and of any other Regulations of the Bengal Presidency, as prescribe the levy of transit or inland Customs duties, or of town duties; and likewise the schedules of duties and provisions of any kind contained in these, or any other Regulations for fixing the amount of duty to be levied upon goods imported into, or exported from, the said Presidency by sea, shall be repealed: provided, however, that nothing herein contained, shall be construed to prevent the levy of duties at the rates now in force at the Custom-houses and Chokies established on the line of the Jumna, or on any frontier line, upon goods crossing that line for import into, or export from, the territory of the East-India Company by land, nor to affect the Regulations in force for imposing and levying duties on salt, the produce of Western and Central India.

Regulations imposing transit and town duties in the interior, and fixing rates of import and export duty on sea goods repealed;

except as regards the Jumna frontier line,

and duties on western salts.

II. And it is hereby enacted, that duties of Customs shall be levied on goods imported by sea into Calcutta, or into any other place within the provinces of Bengal and Orissa, according to the rates specified in schedule A. annexed to this Act, and with the exceptions specified therein, and the said schedule with the notes attached thereto, shall be taken to be a part of this Act.

Import duties to be levied according to Schedule A, annexed.

III. And it is hereby further enacted, that duties of Customs shall be levied upon country goods exported by sea from any port of Bengal or Orissa, according to the rates specified in schedule B, annexed to this Act, with the exceptions therein specified, and the said schedule with the notes attached thereto, shall also be taken to be a part of this Act.

Export duties to be collected on country goods according to Schedule B, annexed.

IV. And it is hereby enacted, that no goods or articles whatsoever, entered in either of the said schedules as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor of Bengal: provided however that it shall and may be lawful for the collector of Customs or other officer in charge of a Custom-house, to pass free of duty, as heretofore, any baggage in actual use, at his discretion, and in case of any person applying to have goods passed as such, the collector acting under the orders of the Board of Customs, salt and opium, shall determine whether they be baggage in actual use, or goods subject to duty, under the rules of this Act.

No goods entered therein as liable to duty to be exempted, except by order of Government;

but the collector may pass baggage belonging to passengers at his discretion.

V. And it is hereby enacted, that the rules and regulations now established for the levy of duties of Customs on goods imported into, or exported from, Calcutta and other ports of the Presidency of Fort William in Bengal, shall continue to be in force, and shall be observed and applied for the levy of the import and export duties imposed by this Act, unless repealed or altered, or repugnant to the provisions thereof.

Existing rules to be enforced for levying the new import and export duties.

VI. And it is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal, by an order printed in the *Calcutta Gazette*, to fix a place in any river or port in Bengal or Orissa, beyond which place it shall not be lawful for any inward-bound vessel, save and except such dhoonies and country craft as are referred to in section XXII. of this Act, to pass until the master or commander shall have delivered to the pilot on board, for the purpose of being forwarded by the public dawk or otherwise, as may be ordered by the Board of Customs, salt and opium, a manifest made out in the form prescribed by section 45, Regulation IX. 1810: and it is hereby enacted, that if the manifest so delivered by the master and commander shall not contain a full and true specification of all the goods imported in the vessel, the master or person in charge thereof, shall be liable to a fine of 1,000 rupees; and any goods or packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized and confiscated, or to be charged with such increased duties, as may be determined by the Board of Customs,

Place may be fixed by Governor of Bengal, beyond which an inward-bound vessel is not to proceed until a manifest has been delivered to pilot to be forwarded.

Master to be responsible for its correctness, under penalty of 1,000 rupees.

Goods in excess, or not corresponding with manifest to be seized and confiscated; or charged with increased duties.

The masters of vessels lying below, to deliver manifests on coming to anchor.

If remaining at anchor twenty-four hours without sending manifest to be subject to penalty of 1,000 rupees.

salt and opium; and if any inward-bound vessel shall remain outside, or below the place so fixed by the Governor of Bengal, the master or commander shall in like manner deliver to the pilot so soon as the vessel shall anchor, a manifest as above prescribed; and if any vessel entering a port for which there is a Custom-house established, shall lie at anchor therein for the space of twenty-four hours, the master and commander whereof shall neglect to deliver the said manifest to the pilot on board, he shall for such neglect be liable to forfeit the sum of one thousand rupees, and no entry or port clearance shall be given for such vessel, until the fine is paid.

No vessel to break bulk unless two copies of manifest have been received;

and entry may be refused until papers of the places of departure are delivered.

VII. And it is hereby enacted, that no vessel shall be allowed to break bulk until the manifest described in the preceding section of this Act, and another copy thereof to be presented at the time of applying for entry inwards, shall have been received by the collector of Customs, and order shall have been given by the said collector for the discharge of the cargo, and the said collector may further refuse to give such order if he shall see fit, until any port clearances, cockets, or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

Collector may send Custom-house officer on board any vessel—to remain on board till she sails.

VIII. And it is hereby enacted, that it shall be competent to the collector of Customs at any port of Bengal or Orissa, at his discretion, to send one or more officers of Customs on board of any vessel at any time, and the Custom-house officer so sent shall remain on board of such vessel by day and by night, until the vessel shall leave the port, or until it be otherwise ordered by the collector of Customs.

Persons refusing to admit Custom-house officers, or not giving them proper accommodation, liable to fine.

IX. And it is hereby enacted, that any master or person in charge of such vessel, who shall refuse to receive a Custom-house officer on board when so deputed as above provided, or shall not afford such officer suitable shelter and sleeping accommodation while on board, shall be liable to a fine not exceeding the sum of 500 rupees for each day, during which such officer shall not be received and provided with suitable shelter and accommodation, which fine shall be adjudged by, and at the discretion of the Board of Customs, salt and opium, at Calcutta, and the vessel by the master or person in charge of which such fine shall have been incurred, shall not be moved until the same shall be paid.

Collector may order a vessel to be searched.

Bulkheads to be broken open if not opened on requisition.

Any concealed goods to be confiscated.

Resistance or refusal of masters punishable with fine of 1,000 rupees.

X. And it is hereby enacted, that whenever a collector of Customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for the same, addressed to the Custom-house officer on board, or to any other officer under his authority, and upon production of such order, the officer bearing it shall be competent to require any cabins, lockers, or bulkheads to be opened in his presence, and if not opened upon his requisition, to break the same open, and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the collector of Customs, shall be confiscated, and any master or person in charge of a vessel, who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the collector of Customs, shall be liable upon conviction for every such offence to a fine of one thousand rupees, to be adjudged by any magistrate or justice of the peace of the place.

Goods not to be landed or put on board till entry of the ship is duly made.

Cargo to be sent ashore and laden outwards according to existing forms.

XI. And it is hereby enacted, that no goods shall be allowed to leave any vessel, or to be put on board thereof, until entry of the vessel shall have been duly made in the Custom-house of the port, and order shall have been given for discharge of the cargo thereof as above provided; and it shall be the duty of the Custom-house officer on board, and of all officers of Customs to seize as contraband, any goods which shall have been removed or put on board of any vessel, in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any vessel in contravention of the above provision: and after entry of the vessel at the Custom-house in due form, such part of the cargo as may not be intended and declared for re-exportation in the same vessel, shall be sent to land: and export cargo shall be laden on board thereof according to the rules and practice now in force, and if an attempt be made to land or put on board goods or merchandize in contravention thereof, the goods or merchandize shall be liable to seizure and confiscation.

Goods unmanifested not to be landed in ordinary form;

XII. Provided however, and it is hereby enacted, that no goods shall be allowed to leave any vessel under the said rules, unless the same be duly manifested, and any goods found on

board in excess of the manifest, or not corresponding with the specification and description therein contained, shall be seized by the Custom-house officer on board, in order that they may be dealt with as prescribed in section VI. of this Act; and if goods entered in the manifest shall not be found on board the vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the Custom-house, or at such other ghaut or place as the collector of Customs shall have prescribed or permitted, there to be passed in due form, the master or commander shall be liable to a penalty not exceeding five hundred rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if capable of being assessed therewith: provided however, that nothing herein contained shall be construed to prevent the collector of Customs from permitting the master or commander of any vessel to amend obvious errors or to supply omissions from accident or inadvertence by furnishing an amended or supplemental manifest, but the receiving of such shall always be discretionary.

but to be seized on board.

Master to be answerable that all goods manifested are forthcoming and duly passed.

Under penalty of 500 rupees for each missing package of unknown value or double duty if assessible.

Rule for presenting an amended or supplemental manifest.

XIII. And it is hereby enacted, that any Custom-house officer whatsoever who shall demand or accept any gratuity not authorized by any existing regulation or order of Government, in consideration of doing or of omitting to do any act in his official capacity, shall forfeit for every such offence the sum of five hundred rupees, and any person who shall offer a bribe to any Custom-house officer, in order to induce such officer to act in a manner inconsistent with his duty, shall forfeit a like sum, and these penalties shall be adjudged on conviction before any magistrate or justice of the peace of the town, district, or place where the Custom-house may be established by such magistrate, and in default of payment, any person so convicted shall be committed to the civil gaol of the city or district until the fine be paid, or for a period not exceeding six months.

Custom-house officers taking unauthorized fees or bribes subject to penalty of 500 rupees.

Same penalty on persons offering.

XIV. And it is hereby enacted, that when goods shall be seized as contraband and liable to confiscation, the collector of Customs shall investigate the case, and according to his judgment shall either release the goods or adjudge them to confiscation, and whenever he shall declare goods to be confiscated, he shall report his proceedings for confirmation and final adjudication by the Board of Customs, salt and opium: provided however, that nothing herein contained shall be construed to prevent the Governor of Bengal from ordering the release of goods seized, or from remitting any penalty whatsoever that may be incurred for contravention of the Custom laws.

Collector to investigate and adjudge confiscation.

Board's confirmation necessary.

XV. And it is hereby further enacted, that twenty days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day of the tide-waiter or other Custom-house officer first going on board: and if the whole cargo be not discharged by the expiration of the above-stated periods respectively, the master or commander shall be charged with the tide-waiter's or other officer's wages and other expenses, for any further period that he or they may be detained on board: and if the owners, importers, or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the master or commander so to do: and if any goods remain on board after the time fixed as above for the discharge of the import cargo, the collector may order the same to be landed and warehoused for the security of the duties chargeable, and of any freight and primage, and other demands that may be due thereon, giving his receipt to the master for the same: provided always, that in all cases it shall be lawful for the collector, or other officer in charge of the Custom-house, with the consent of the master of the vessel, to cause any packages to be brought on shore and to be deposited in the government warehouse for the security of the duties and charges thereon, although twenty days may not have expired from the entry of such vessel; and in case goods so landed and warehoused, or any goods brought to land from any vessel, be not claimed and cleared from the Custom-house within three months from the date of landing, it shall be competent to the collector to sell the same on account of the duties, freight, and other charges incurred and due thereon.

Twenty or thirty days allowed to clear inwards according to tonnage:

after which the master to pay charges of the Custom-house officer.

Master to land goods if consignees do not;

if these fail collector may land and warehouse,

and may land packages before twenty days with consent of master.

XVI. And it is hereby enacted, that a further period of fifteen days, Sundays and holidays excluded, shall be allowed for putting on board export cargo if the vessel shall not

Further period of fifteen or twenty days for continuous lading for export.

exceed 600 tons burthen, and twenty days if exceeding that burthen, when the lading and unlading thereof shall be continuous, and the master or commander shall not, in such case, be charged with the wages and expenses of the Custom-house officer on board until after the expiration of such additional periods respectively: and if a vessel having discharged its import cargo shall be laid up, the Custom-house officer on board shall be withdrawn so soon as he shall certify that no goods remain on board excepting necessary stores and articles for use, and when a vessel so laid up, shall be entered at the Custom-house for receipt of export cargo, a Custom-house officer shall be sent on board, and if the said last-mentioned officer shall certify that no goods are on board saving as above excepted, twenty days, exclusive of Sundays and holidays as above, shall be allowed from the date of such certificate for the lading outwards of a vessel not exceeding 600 tons, and thirty days for vessels exceeding that burthen, after which periods respectively, the master and commander shall be charged with the wages and expenses of the Custom-house officer on board to the date of the vessel's sailing from the port.

If the vessel be laid up, tide waiter to search and leave, certifying that it is empty.

Twenty and thirty days, according to tonnage, allowed for lading a vessel outwards after being laid up, but search and certificate that nothing is on board necessary.

When penalty has been incurred by a master, the collector may refuse port clearance of the vessel till it be paid.

XVII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any penalty, fine or demand, on account of any act or omission relating to Customs, the collector of Customs shall be competent, subject to the orders of the Board of Customs, salt and opium, to refuse port clearance to such vessel until the fine shall be discharged.

Goods shipped after port clearance to pay double duty, and five per cent., if free.

XVIII. And it is hereby enacted, that upon any goods passed through the Custom-house for shipment, the application for which shall be presented after port clearance shall have been taken out, double the prescribed duty shall, in all cases, be levied, and if the goods be free, five per cent. upon the market value shall be levied thereon.

In case of re-landing for damage, &c., officer to proceed on board to watch;

and cargo not to be exempt from duty on re-export, unless all the while in charge of Custom-house officers.

Proviso for re-importation when duties and drawbacks are to be refunded;

and master to forfeit the value of drawback, if goods not forthcoming.

XIX. And it is hereby enacted, that when a vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage or from other cause be necessary that the cargo of a vessel that has cleared out shall be unshipped or re-landed, a Custom-house officer shall be sent to watch the vessel and take charge of the cargo during such re-landing or removal from on board; and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty, by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the collector of Customs, and shall remain while on land, or while on board of any other vessels, under special charge of the officers of Customs, until the time of re-export, and all charges attending such custody shall be borne by the exporter, or by the applicant for this advantage: provided, however, that in all cases of return to port after port clearance, on account of damage or for stress of weather, it shall be lawful for the owner, or for the master and commander to re-enter the vessel and land the cargo under the rules for the importation of goods, and the export duty shall in that case be refunded, and the amount paid in drawback be reclaimed, and the goods be placed in all respects as before being passed for exportation; and if goods, on account of which drawback has been paid, be not found on board the vessel, the master shall forfeit the entire value thereof, unless he account for them to the satisfaction of the collector of Customs.

No refund of export duty after port clearance.

XX. And it is hereby enacted, that when goods shall be re-landed before the lading of any vessel is complete and port clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port clearance shall have been granted for the vessel on which the goods were exported, except the vessel shall have put back for stress of weather or for damage, and the goods shall have been relanded under the rule contained in section XIX. of this Act.

Arabs and other foreign Asiatic vessels to be deemed foreign.

XXI. And it is hereby further enacted, that vessels owned by natives of Arabia and coming from the ports thereof, and likewise the vessels of any country or port of Asia not subject to the dominion of the King of the United Kingdom of Great Britain and Ireland, excepting dhoonies and small craft from the Maldive and Nicobar Islands as herein-under provided, shall be deemed foreign vessels.

Dhoonies, &c. to be required to anchor in a particular part of the river.

XXII. And it is hereby enacted, that dhoonies, country craft, and other small vessels, not brought into the port of Calcutta by pilots, shall be required to anchor and moor in such

part of the river Hooghly as shall be marked out by the collector of Customs, with the sanction of the Board of Customs, salt and opium; and if any such vessel shall anchor in any other part of the river than as so marked out, and the master or person in charge thereof shall not immediately upon being ordered so to do, move his vessel to the place marked out, he shall be liable to a fine of one hundred rupees, to be adjudged by the collector of Customs, and the vessel, or any part of its equipment or cargo may be seized and sold in satisfaction of such fine, and goods shall be landed from such vessels and put on board for export according to such rules, and at such places as shall be prescribed by the collector of Customs, and vessels of this description coming from the Maldives, or from the Nicobar Islands, shall be considered as British vessels.

Penalty if not moved when required, 100 rupees.

Vessel, its equipment, or cargo may be seized.

Dhoonies, &c. from Maldives and Nicobars to be British vessels.

SCHEDULE A.

Rates of Duty to be charged on Goods imported by Sea into any Port of the Presidency of Fort William in Bengal.

No.	Enumeration of Goods.	When imported on British Bottoms.	When imported on Foreign bottoms.
1	Bullion and coin	Free	Free.
2	Precious stones and pearls ...	Ditto	Ditto.
3	Grain and pulse	Ditto	Ditto.
4	Horses and other living animals	Ditto	Ditto.
5	Ice	Ditto	Ditto.
6	Coal, coke, bricks, chalk, and stones	Ditto	Ditto.
7	Books printed in the United Kingdom, or in any British possession	Ditto	3 per cent.
8	Foreign Books	3 per cent	6 per cent.
9	Marine stores, the produce or manufacture of the United Kingdom, or of any British possession	3 per cent	6 per cent.
10	Do. do. the produce or manufacture of any other place or country	6 per cent	12 per cent.
11	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom, or any British possession ...	3 per cent.	6 per cent.
12	Metals, do. do. excepting tin, the produce or manufacture of any other place	6 per cent.	12 per cent.
13	Tin, the produce of any other place than the United Kingdom, or any British possession	10 per cent.	20 per cent.
14	Woollens, the produce or manufacture of the United Kingdom, or any British possession	2 per cent.	4 per cent.
15	Do. the produce of any other place or country ...	4 per cent.	8 per cent.
16	Cotton and silk piece goods, cotton twist and yarn, the produce of the United Kingdom, or of any British possession	3½ per cent	7 per cent.
17	Do. the produce of any other place	7 per cent.	14 per cent.

No.	Enumeration of Goods.	When imported on British bottoms.	When imported on Foreign bottoms.
18	Opium	24 rupees per seer of 80 tolas ...	24 rupees per seer of 80 tolas.
19	Salt	Rupees 3-4 per maund of 80 tolas per seer	Rupees 3-4 per maund of 80 tolas per seer.
20	Alum	10 per cent.	20 per cent.
21	Camphor	10 per cent.	20 per cent.
22	Cassia	10 per cent.	20 per cent.
23	Cloves	10 per cent.	20 per cent.
24	Coffee	7½ per cent.	15 per cent.
25	Coral	10 per cent.	20 per cent.
26	Nutmegs and Mace	10 per cent.	20 per cent.
27	Pepper	10 per cent.	20 per cent.
28	Rattans	7½ per cent.	15 per cent.
29	Tea	10 per cent.	20 per cent.
30	Vermilion	10 per cent.	20 per cent.
31	Wines and Liquers	10 per cent.	20 per cent.
32	Spirits, consolidated duty, including that levied heretofore through the police of Calcutta	9 annas per imperial gallon	16 annas per imperial gallon
	And the duty on spirits shall be rateably increased as the strength exceeds of London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.		
33	All articles not included in the above enumeration ...	3½ per cent.	7 per cent.

And when the duty is declared to be *ad valorem*, it shall be levied on the market value without deduction, and if the collector of Customs shall see reason to doubt whether the goods come from the country from which they are declared to come by the importer, it shall be lawful for the collector of Customs to call on the importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Board of Customs, salt and opium.

And upon the re-export by sea of goods imported, excepting opium and salt, provided the re-export be made within two years of the date of import as per Custom-house register, and the goods be identified to the satisfaction of the collector of Customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback : and if goods be re-exported in the same ship without being landed (always excepting opium and salt, in regard to which the special rules in force shall continue to apply) there shall be no import duty levied thereon.

SCHEDULE B.

Rates of Duty to be charged upon Goods exported by Sea from any Port or Place in the Presidency of Fort William in Bengal.

No.	Enumeration of Goods.	Exported on British bottoms.	Exported on Foreign bottoms
1	Bullion and coin	Free	Free.
2	Precious stones and pearls ...	Ditto	Ditto.
3	Books printed in India	Ditto	Ditto.
4	Horses and living animals ...	Ditto	Ditto.
5	Opium purchased at government sales in Calcutta ...	Ditto	Ditto.
6	Cotton wool exported to Europe, the United States of America, or any British possession in America	Ditto	8 annas per maund of 80 tolas to the seer.
7	Ditto ditto exported to places other than above ...	Annas 8 per maund of 80 tolas per seer	16 annas per maund of 80 tolas to the seer.
8	Sugar and rum exported to the United Kingdom, or to any British possession ...	Free	3 per cent.
9	Ditto exported to any other place	3 per cent.	6 per cent.
10	Grain and pulse of all sorts	1 anna per bag not exceeding 2 maunds of 80 tolas to the seer, or if exported otherwise than in bags, half an anna per maund ...	2 annas per bag not exceeding 2 maunds of 80 tolas to the seer, or if exported otherwise than in bags, 1 anna per maund.
11	Indigo	Rs. 3 per maund of 80 tolas to the seer. ...	Rs. 6 per maund of 80 tolas to the seer.
12	Lac dye and shell lac	4 per cent.	8 per cent.
13	Silk, raw filature ...	$3\frac{1}{2}$ annas per seer of 80 tolas	7 annas per seer of 80 tolas.
14	Silk, Bengal wound ...	3 annas per seer of 80 tolas	6 annas per seer of 80 tolas.
15	Tobacco	4 annas per maund ...	8 annas per maund.
16	All country articles not enumerated or named above	3 per cent	6 per cent.

And when the duty is declared to be *ad valorem*, the same shall be levied on the market value of the article at the place of export, without deduction.

And in settling for the duties on exports by sea, credit shall be given for payment of inland Customs duty, and drawback shall be allowed of any excess of duty paid upon production of ruwanas under the following conditions, until the 1st April, 1837:—

1st. That the goods shall be identified, and destination to the port of export proved in the usual manner.

2d. That the ruwanas shall bear date before the 1st April, 1836, and the goods shall not have been protected thereby, or by the original thereof, more than two years.

And after the said 1st April, 1837, credit shall not be given, nor shall drawback be allowed, of any inland Customs or land frontier duty paid at any Custom-house or Chokee of the Jumna frontier line, or of Benares, except only upon the article of cotton wool covered by ruwanas taken out at the Custom-houses of the western provinces, and proved to have been destined for export by sea when passed out of those provinces.

[See No. 16 of 1837, and No. 1 of 1838.]

ACT No. XXIV. of 1836.

Passed by the Right Honourable the Governor-general of India in Council on the 10th October, 1836.

I. It is hereby enacted, that the officers who in the Regulations of the Presidency of Fort St. George are designated as Native Judges and Native Criminal Judges, shall, from the 1st day of November, 1836, be designated as Principal Sudder Ameens.

II. And it is hereby enacted, that from the said 1st day of November, 1836, the officers who, in the Regulations of the Presidency of Bombay, are designated as Native Judges, shall be designated as Principal Sudder Ameens; and the officers who in the said last-mentioned regulations are designated as Principal Native Commissioners shall be designated as Sudder Ameens; and the officers who in the said last-mentioned regulations are designated as Junior Native Commissioners shall be designated as Moonsiffs.

III. And it is hereby enacted, that from the said 1st day of November, 1836, no person whatever shall, by reason of birth or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the territories subject to the Presidencies of Fort St. George and of Bombay.

IV. And it is hereby enacted, that every British born subject of the King, or descendant of such British-born subject, who shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, in the territories subject to the Presidency of Fort St. George or of Bombay, shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, be liable to the same proceedings, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

V. And it is hereby enacted, that from the said 1st day of November, 1836, no person shall by reason of place or birth, or by reason of descent, be excepted in any civil proceeding from the jurisdiction of the Assistant Judges in the territories subject to the Presidency of Bombay.

ACT No. XXVIII. of 1836.

Passed by the Right Honourable the Governor-general of India in Council on the 7th November, 1836.

I. It is hereby enacted, that from the 1st day of December, 1836, no assessment made by the Justices of the Peace for the Presidency of Fort Saint George under the authority of the Act of Parliament of the 33 George III, cap. 52, shall be levied, until the same shall have been approved by the Governor in Council of Fort Saint George.

II. And it is hereby enacted, that it shall be lawful for the said Governor in Council of Fort Saint George, by an Order in Council, to exempt any district, or portion of a district, from payment of any such assessment.

ACT No. XXXII. of 1836.

Passed by the Right Honourable the Governor-general of India in Council on the 28th November, 1836.

I. It is hereby enacted, that if any person after the 1st day of December, 1836, lands or attempts to land in any part of the territories subject to the Government of the Presidency of Fort William in Bengal (1) any sugar which is not the growth of a British possession into which foreign sugar cannot be legally imported, such sugar shall be seized and confiscated by the collector of the Customs, or by any other officer thereunto authorized by the Governor of the said Presidency, unless the district in which such sugar is landed, or in which an attempt has been made to land such sugar, be a district in which the Governor-general of India in Council has authorized the importation of such sugar.

(1) [Importation prohibited into territories subject to Government of Fort St. George, by Act No. 15 of 1839.]

II. And it is hereby enacted, that if any owner of sugar, the produce of the said territories, or duly authorized agent of such owner, desires to obtain a certificate of origin from the collector or assistant-collector of the land or custom revenue of any district within the said territories or from any other officer appointed by the Governor-general of India in Council to give such certificates, such owner or agent shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a declaration in the form contained in the schedule hereunto annexed marked A.

III. And it is hereby enacted, that if the district be one into which the Governor-general of India in Council has not by any order authorized the importation of foreign sugar, or of sugar the growth of any British possession into which foreign sugar can be legally imported, the officer before whom such a declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a certificate in the form contained in the schedule hereunto annexed marked B.

IV. And it is hereby enacted, that every person who intends to ship sugar from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the collector of Customs at that place, or to any other officer who may have been appointed by the Governor-general of India in Council, to act on such occasions in the place of the collector of Customs, a certificate such as is above described, and also in the presence of the officer to whom he has so produced such certificate, to make and subscribe a declaration in the form contained in the schedule hereunto annexed marked C.

V. And it is hereby enacted, that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last-mentioned form shall have been so made and subscribed, shall grant to the person who has made the last-mentioned declaration a certificate in the form contained in the schedule hereunto annexed marked D.

VI. And it is hereby enacted, that any person who shall in making any declaration under the authority of this Act, knowingly affirm an untruth, shall on conviction thereof before such Court, as would be competent to try such person for perjury, be punished by fine to an amount not exceeding five thousand rupees, and imprisonment for a term not exceeding two years.

Schedules.

A.

I, *A. B.*, solemnly declare that all the sugar herein-under described is to the best of my knowledge and belief the produce of the district of ————

Description of the Sugar to which the Declaration relates.

Quantity,	Quality.	Number and denomination of Packages.

(Signed) *A. B.*

The day of 18

B.

I, *C. D.*, collector of land revenue (or *collector of Custom revenue*, or *being an officer appointed by the Governor-general of India in Council to act in this behalf*) for the district of ———, do hereby, in conformity with the provisions of Act No. XXXII. of 1836, grant this certificate under my hand and seal that the sugar herein-under described is of the produce of the district of ———, and that the importation of foreign sugar and of sugar the growth of any British possessions into which foreign sugar can be legally imported, is prohibited in the said district of ———.

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and denomination of the Packages.	Name of the Declarant on whose declaration the certificate is given.

L. S. (Signed) *C. D.*

C.

I, *E.F.*, shipper of the sugar herein-under described, solemnly declare, that all the sugar herein-under described, is to the best of my knowledge and belief the same sugar to which the certificate now produced by me relates.

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number and denomination of Packages.	Name of Ship in which Sugar is Shipped to be Shipped.	Name of the Master of the Ship.

(Signed) *E. F.*

D.

I., *G. H.*, collector of Customs (or *being an officer appointed by the Governor-general of India in Council to act in this behalf*) for the port of ————, certify under my hand and seal, that there has been produced to me by *E. F.*, the shipper of the sugar herein-under described, a certificate under the hand and seal of *C. D.*, collector of land revenue (or *collector of Custom revenue*, or *being an officer appointed by the Governor-general of India in Council to act in this behalf*) for the district of ———, in the territories subject to the Government of the Presidency of Fort William in Bengal, which certificate certifies that the said sugar is of the produce of the said district, and that the importation of foreign sugar or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district.

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and denomination of Packages.	Name of the Ship.	Name of the Master of the Ship.

L. S. (Signed) *G. H.*

ACT No. I. of 1837.

Passed by the Right Honourable the Governor-general of India in Council on the 6th February, 1837.

It is hereby enacted, that from the 1st day of March next, it shall be lawful for any one Justice of the Peace for the town of Calcutta, to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 Geo. 3, cap. 52; and every such warrant shall have the same force as if it were under the hands and seals of two such Justices.

ACT No. IV. of 1837.

Passed by the Right Honourable the Governor-general of India in Council on the 17th April, 1837.

I. It is hereby enacted, that after the 1st day of May next, it shall be lawful for any subject of his Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the territories of the East-India Company.

II. And it is hereby enacted, that all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by natives of the said territories, shall extend to all persons who shall, under the authority of this Act, acquire or hold such property.

ACT No. VII. of 1837.

Passed by the Right Honourable the Governor-general of India in Council on the 1st May, 1837.

It is hereby enacted, that it shall be lawful for any of the Courts established by his Majesty's Charters, in any case in which such Court shall have recommended to his Majesty the granting of a free pardon to any convict, to permit such convict to be at liberty on his own recognizance.

ACT No. IX. of 1837.

Passed by the Right Honourable the Governor-general of India in Council on the 15th May, 1837.

I. It is hereby enacted, that from the 1st day of June, 1837, all immoveable property, situate within the jurisdiction of any of the Courts established by his Majesty's Charter shall, as far as regards the transmission of such property on the death and intestacy of any Parsee having a beneficial interest in the same, or by the last will of any such Parsee, be taken to be and to have been of the nature of chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of any Parsee having a beneficial interest in the same, or by the last will of any such Parsee, if such transmission took place before the said 1st day of June, 1837, and if such transmission were either according to the rules which regulate the transmission of freehold property, or else took place with the acquiescence of all persons to whom any interest in that property would, according to the rules which regulate the transmission of chattels real, have accrued upon the death of such Parsee.

[See 21 Geo. 3, cap. 70, secs. 17 and 18, and 37 Geo. 3, cap. 14, secs. 12 and 13. See also Act of Government of India, No. 20 of 1837.]

ACT No. XVI. of 1837.

Passed by the Right Honourable the Governor-general of India in Council on the 3rd July, 1837.

XI. And it is hereby enacted, in modification of the article of Schedule B. of Act. XIV. of 1836, which provides that when sugar or rum shall be exported on British bottoms to any British possession, no duty shall be levied thereupon, and if on foreign bottoms, a duty of 3 per cent. only shall be levied, that the said exemption from duty and advantage of rate shall not hold or apply to the case of sugar exported to any British possession or settlement on the continent of India (including the port of Bombay), but duties shall be levied on such exports in the same manner as upon sugar and rum exported to other places, and the amount of duties so levied shall be credited, in the adjustment of any import duty to which the sugar so exported from Bengal may be subject at any place of import within the possessions of the East-India Company.

XII. And it is hereby enacted, in modification of section XVIII. of the Act XIV. of 1836, that when goods shall be shipped after port clearance, if the same be imported goods entitled to drawback, such drawback shall be forfeited, but no separate duty shall be levied thereon.

XIII. And it is hereby enacted, in modification of section XV. of Act XIV. of 1836, that if goods landed at the Custom-house be not claimed and cleared from the Custom-house within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the collector to sell the goods on account of the duties, freight, and other charges incurred and due thereon.

XIV. And it is hereby enacted, that no payment shall be made of drawback upon any goods exported from any port of Bengal or Orissa, unless the export be made within two years from the date of the import in the Custom-house registers, nor unless the claim to receive such drawback be made at the time of exportation, nor unless the amount due thereupon be demanded within one year from the date of entry for shipment in the Custom-house register.

ACT No. XIX. of 1837.

Passed by the Right Honourable the Governor-general of India in Council on the 7th August, 1837.

It is hereby enacted, that no person shall, by reason of any conviction for any offence whatever, be incompetent to be a witness in any stage of any cause, civil or criminal, before any Court in the territories of the East-India Company.

ACT No. XX. of 1837.

Passed by the Right Honourable the Governor-general of India in Council on the 11th September, 1837.

It is hereby enacted, that from the first day of October, 1837, all immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, shall, as far as regards the transmission of such property on the death and

intestacy of any person having a beneficial interest in the same, or by the last will of any such person, be taken to be, and to have been, of the nature of chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of any person having a beneficial interest in the same; or by the last will of any such person, if such transmission took place before the said first day of October, and if such transmission were according to the rules which regulate the transmission of freehold property, or were according to the law of the nation to which the deceased person belonged, or took place with the acquiescence of all those to whom any interest in that property would, according to the rules which regulate the transmission of chattels real, have accrued upon the death of that person.

III. Provided also, that in all cases where such immoveable property derived from a deceased person shall have been, before the said first day of October, conveyed for a valuable consideration by any person who would be entitled to convey the same according to the rules which regulate the transmission of freehold property, or according to the law of the nation to which the deceased person belonged, the person who so conveyed shall be entitled to retain to his own use the consideration received for such conveyance.

[See No. 9 of 1837.]

ACT No. XXVI. of 1837.

Passed by the Right Honourable the Governor-general of India in Council on the 16th October, 1837.

It is hereby enacted, that from the day on which it shall be notified by an Order of the Governor-general of India in Council, published in the official *Gazette*, that the said Governor-general has quitted his Council, for the purpose of proceeding to the north-western provinces till the time at which the said Governor-general shall next, after the said notification, rejoin his Council, the said Governor-general shall have all the powers of Governor-general in Council, except the power of making laws or regulations.

ACT No. I. of 1838.

Passed by the Honourable the President of the Council of India in Council on the 3rd January, 1838.

I. It is hereby enacted, that from the 1st February, 1838, all Regulations of the Bombay Code passed before the year 1827, and now in force, with the exception of Sections I., II., and III., Regulation VI., 1799, and of Clause 2, Section VII., Regulation IX., 1800, and of Sections XIV., XVII., XX., XXI., and XXV., Regulation I. of 1805, and of the whole of Regulations II., 1810, and VI., 1814, shall be repealed.

II. And it is hereby enacted, that Chapters I., II., IV., VI., VIII., and IX., of Regulation XX., 1827, of the said Code, together with the Appendices A, B, C, E, H, I, J, K, of that Regulation, also Regulation II., 1831, Regulation XIII., 1831, Regulation I., 1832, Regulation IV., 1833, and Regulation IV., 1834, of the said Code, and all such parts of any Regulations of the said Code as prescribe the levy of transit or inland Custom duties, or as require the payment of any fee whatever on account of any vessel which may enter

any port in the territories subject to the Bombay Presidency, and likewise the provisions of any kind contained in those or in any other Regulations for fixing the amount of duty to be levied on goods imported or exported by sea at any place within the limits of the Bombay Presidency, or the drawback payable on the same, shall be repealed; and it is further enacted, that Act No. II. of 1836 shall likewise be repealed, except in so far as it repeals any Regulation of the Bombay Code.

III. Provided always, that nothing contained in the two preceding sections of this Act shall be construed to prevent the levy of any town duty, or of any municipal tax, or of any toll on any bridge, road, canal, or causeway, for repair and maintenance of the same; or of any fee for the erection and maintenance of light-houses.

IV. And it is hereby enacted, that duties of Customs shall be levied on goods imported by sea into any place in the territories subordinate to the Government of the Presidency of Bombay, after the said 1st February next, according to the rates specified in schedule A annexed to this Act, and with the exceptions specified therein, and the said schedule, with the notes attached thereto, shall be taken to be a part of this Act.

V. And it is hereby further enacted, that duties of Customs shall be levied upon country goods exported by sea from any ports of the Bombay Presidency after the said 1st February next, according to the rates specified in schedule B annexed to this Act, with the exceptions therein specified, and the said schedule, with the notes attached thereto, shall also be taken to be a part of this Act.

VI. Provided, however, that the ships of any European nation having firman privileges in the port of Surat, shall not be subject to further duties of import or export than may be prescribed by their firmans respectively, any thing in the schedules or in this Act notwithstanding.

VII. And it is hereby enacted, that duties of Customs shall be levied on goods passing by land into or out of foreign European settlements, situated on the line of coast within the limits of the Presidency of Bombay, at the rates prescribed in the schedules of this Act for goods imported or exported on foreign bottoms at any British port in that Presidency.

VIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay, to declare, by notice to be published in the *Gazette* of that Presidency, that the territory of any Native chief, not subject to the jurisdiction of the Courts and civil authorities of that Presidency, shall be deemed to be foreign territory, and to declare goods passing into or out of such territory liable either to the duty fixed for British or for foreign bottoms, as the said Governor in Council may think fit.

IX. And it is hereby enacted, that for the levy of duties of Customs as above provided on goods exported by land to, or imported by land from, such foreign territories, Customs' chokees may be established at such places as may be determined by the said Governor in Council, and every officer at every such chokee shall have power to detain goods passing into or out of any such foreign territory, and to examine and ascertain the quantities and kinds thereof; and such goods shall not be allowed to pass across the frontier line out of or into the territory of the East-India Company, until the owner, or person in charge thereof, shall produce and deliver a certificate, shewing that the Customs duty leviable thereupon has been paid in full.

X. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such officers as he may think fit to receive money on account of Customs duties, and grant certificates of the payment thereof, and that such a certificate being delivered to any chokee officer, shall entitle goods to cross the frontier into or out of the East-India Company's territories, provided that the goods correspond in description with the specification thereof contained in such certificate, and that the certificate shew the entire amount of duty leviable on those goods to have been duly paid; and if upon examination the goods brought to any chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment

of duty certified therein shall not cover the entire amount of duty leviable on the goods as ascertained at such examination, the goods shall be detained until a further certificate for the difference shall be produced.

XI. And it is hereby enacted, that the said Governor in Council shall give public notice in the official *Gazette* of the Presidency of Bombay, of the appointment of every officer appointed to receive Customs duties on goods crossing the land frontier of the said foreign territories, and the officers so appointed shall on receipt of money tendered as Customs duty, be bound to give to any merchant or other person applying for the same a certificate of payment, and to enter therein the specification of goods, with the values and description thereof, according to the statement furnished by the person so applying, provided only that the proper duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

XII. And it is hereby enacted, that no certificate shall be received at any chokee, that shall bear date more than thirty days before the date when the goods arrive at the chokee: provided, however, that any person who has taken out a certificate from any authorized receiver of Customs duties, shall at any time within the said period of thirty days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate with a fresh date, without further payment of duty.

XIII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe by public notice, in the official *Gazette* of the Presidency of Bombay, by what routes goods shall be allowed to pass into or out of any such foreign territory, as is described in sections VII. and VIII. of this Act; and after such notice shall be given, goods which may be brought to any chokee established on other routes or passes than those so prescribed, shall, if provided with a certificate, be sent back, and if not provided with a certificate, shall be detained, and shall be liable to confiscation by the collector of Customs, unless the person in charge thereof shall be able to satisfy the said collector, that his carrying them by that route was from ignorance or accident.

XIV. And it is hereby enacted, that goods which may be passed, or which an attempt may be made to pass, across any frontier guarded by chokees between sun-set and sun-rise, or in a clandestine manner, shall be seized and confiscated.

XV. And it is hereby enacted, that any chokee officer who shall permit goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit goods to pass by any prohibited route, shall be liable, on conviction before the collector of Customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding five hundred rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVI. And it is hereby enacted, that if any chokee officer shall needlessly and vexatiously injure goods, under the pretence of examination, or in the course of his examination, or who shall wrongfully detain goods for which there shall be produced a sufficient certificate, such officer shall, on conviction before the collector of Customs, or before any magistrate, or joint magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding five hundred rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVII. And it is hereby enacted, that all goods imported by sea into any port of the Presidency of Bombay from any foreign European settlement in India, or from any native state, the inland trade of which has been declared by the Governor in Council of the Presidency of Bombay, under section VIII. of this Regulation, to be subject to the duties levied on foreign bottoms, shall be liable to the same duties as are imposed by schedule A on imports on foreign bottoms.

XVIII. And it is hereby enacted, that no goods whatsoever entered in either of the schedules of this Act, as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor in Council of the Presidency of Bombay: provided always, that it shall and may be lawful for the collector of Customs, or

other officer in charge of a Custom-house, to pass free of duty any baggage in actual use, at his discretion; and if any person shall apply to have goods passed as such baggage, the collector, acting under the orders of the Government, shall determine whether they be baggage in actual use, or goods subject to duty under the provisions of this Act.

XIX. Provided always, that when goods are imported at any port of the Bombay Presidency from any other port in that Presidency under certificate that the export duty specified in schedule B has been duly paid thereon, or that there has been a re-export, and that the import duty specified in schedule A has been duly paid, the said goods shall be admitted to free entry.

XX. Provided also, that when duties of Customs shall have been paid on any goods at any port in any part of the territories of the East-India Company not subject to the Presidency of Bombay, and when such goods shall subsequently be imported at any port of the Presidency of Bombay, credit shall be given at such last-mentioned port for the sum that may be proved by the production of due certificates to have been so paid.

XXI. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay, from time to time, by notice in the official *Gazette* of that Presidency, to fix a value for any article or number of articles liable to *ad valorem* duty, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles for the purpose of levying duty on the same.

XXII. And it is hereby enacted, that when goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the schedules annexed to this Act, are brought to any Custom-house in the Presidency of Bombay, for the purpose of being passed for importation or exportation, the duty leviable on such goods shall be levied *ad valorem*, that is to say, according to the market value of such goods at the place and time of importation or exportation, as the case may be.

XXIII. And it is hereby enacted, that the market value for assessment of duties on *ad valorem* goods shall be declared by the owner, consignee, or exporter, or by the agent or factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the goods through the Custom-house; and the value so declared shall include the packages or materials in which the goods are contained, and the application shall truly set forth the name of the ship in which the goods have been imported or are to be exported, the name of the master of the said ship, the colours under which the said ship sails, the number, description, marks, and contents of the packages, and the country in which the goods were produced.

XXIV. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the officer of Customs appointed to appraise goods at the Custom-house, and if it shall appear to him that the same is correct, he shall countersign it as admitted; but if any part or the whole of the goods shall seem to him to be undervalued in such declaration, he shall report the same to the collector of Customs, who shall have power to take the goods or any part thereof as purchased for the Government at the price so declared; and whenever the collector of Customs shall so take goods for the Government, payment thereof shall be made to the consignee or importer, if the goods be imported goods, within fifteen days from the date of the declaration, the amount of import duty leviable thereon being first deducted, and if the goods be intended for exportation, the entire value as declared shall be paid without deduction on account of Customs duty.

XXV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay to declare by public notice in the official *Gazette* of that Presidency, what places within the same shall be ports for the landing and shipment of merchandize, and any goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

XXVI. And it is hereby enacted, that when any vessel shall arrive in any port of the Presidency of Bombay, the master shall deliver a true manifest of the cargo on board, made

out according to the form annexed to this Act, and marked C, to the first person duly empowered to receive such manifest that may come on board, and if no such person shall have come on board before the anchor of the said vessel is dropped, then the manifest shall be forwarded to land on board of the first boat that leaves the vessel after dropping anchor, and if the port be up a river, or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an order published in the official *Gazette* of the Presidency, to fix a place in any such river or port, beyond which place it shall not be lawful for any inward bound vessel, except such country craft as are described in sections LI. and LII. of this Act, to pass until the master shall have forwarded in such manner as may be ordered by the said Governor in Council such a manifest as is required by this Act.

XXVII. And it is hereby enacted, that if the manifest so delivered by the master shall not contain a full and true specification of all the goods imported in the vessel, the said master shall be liable to a fine of one thousand rupees, and any goods or packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized by any Customs officer and confiscated, or be charged with such increased duties as may be determined by the collector of Customs under the orders of Government.

XXVIII. And it is hereby enacted, that if any inward bound vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of manifests, the master shall deliver a manifest as herein-before prescribed, to the first person duly empowered to receive such manifest that may come on board, and if any vessel entering a port for which there is a Custom-house established, shall lie at anchor therein for the space of twenty-four hours, the master whereof shall refuse to deliver the said manifest in the manner above-prescribed, he shall for such refusal be liable to a fine not exceeding one thousand rupees, and no entry or port clearance shall be given for such vessel until the fine is paid.

XXIX. And it is hereby enacted, that no vessel shall be allowed to break bulk until a manifest, as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the collector of Customs, shall have been received by the said collector, nor until order shall have been given by the said collector for the discharge of the cargo; and that the said collector may further refuse to give such order, if he shall see fit, until any port clearances, cockets, or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

XXX. And it is hereby enacted, that no goods shall be allowed to leave any vessel or to be put on board thereof until entry of the vessel shall have been duly made in the Custom-house of the port, and until order shall have been given for discharge of the cargo thereof as above provided, and it shall be the duty of every Customs officer to seize as contraband any goods which have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of any vessel in contravention of the above provision: and after entry of the vessel at the Custom-house in due form, such part of the cargo as may not be declared for re-exportation in the same vessel shall be sent to land, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor in Council of the Presidency of Bombay, and if an attempt be made to land or put on board goods or merchandize in contravention of the forms and rules so prescribed, the goods shall be liable to seizure and confiscation.

XXXI. And it is hereby enacted, that if goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the Custom-house, or at such other place as the collector of Customs shall have prescribed, the master shall be liable to a penalty not exceeding five hundred rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if the duty can be ascertained: provided, however, that nothing herein contained shall be construed to prevent the collector of Customs from permitting at his discretion

the master of any vessel to amend obvious errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental manifest.

XXXII. And it is hereby enacted, that there shall, in every port of the Bombay Presidency, be one or more places appointed for the landing and shipment of goods, and goods shall not be landed at any other place without the special order in writing of the collector of Customs for the port, and if any goods be landed, or an attempt be made to land any goods at any other than the said authorized places, without such order, they shall be seized and confiscated.

XXXIII. And it is hereby enacted that if the Governor in Council shall see fit, for the security of Customs at any port, to maintain special establishments of boats for the landing and shipping of merchandize, or to license and register the cargo boats plying in any ports, then, after due notification thereof, it shall not be lawful for any person to convey goods to or from any vessel in such port, otherwise than in the boats so authorized and prescribed, except under special permit from the collector of Customs at the port, and any goods that may be found onboard of other boats than those so authorized for the port, shall be liable to be seized by any officer of Customs, and shall be liable to confiscation.

XXXIV. And it is hereby enacted, that when the Governor in Council of the Presidency of Bombay shall see fit to maintain at any port an establishment of officers to be sent on board of vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the collector of Customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any vessel in such port by night and by day, until the vessel shall leave the port, or it shall be otherwise ordered by the collector.

XXXV. And it is hereby enacted, that any master of such vessel at such port who shall refuse to receive such officer with one servant on board, when such officer shall be so deputed as above provided, or shall not afford such officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water if necessary, and with the means of cooking on board, shall be liable to a fine not exceeding the sum of one hundred rupees for each day during which such officer and servant shall not be received and provided with suitable shelter and accommodation.

XXXVI. And it is hereby enacted, that whenever a collector of Customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for such search, addressed to any officer under his authority, and upon production of such order the officer bearing it shall be competent to require any cabins, lockers, or bulkheads to be opened in his presence, and if they be not opened upon his requisition, to break the same open, and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the collector of Customs, shall be liable to confiscation, and any master or person in charge of a vessel, who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the collector of Customs, shall be liable upon conviction for every such offence, to a fine of one thousand rupees.

XXXVII. And it is hereby enacted, that every master of a vessel who shall remove from such vessel or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the Custom-house is closed for business, without leave in writing obtained from the collector of Customs, shall be punished with a fine not exceeding five hundred rupees.

XXXVIII. And it is hereby enacted, that no cargo boat laden with goods, intended for exportation by sea, shall make fast to, or lie alongside of, any vessel on board of which there shall be a Customs officer stationed, unless there shall be on board the boat, or have been received by the said Customs officer, a Custom-house permit or order for the shipment of the goods, and the goods on board of any boat that may be so alongside or be made fast to a vessel if such goods be not covered by a Custom-house pass accompanying them, or previously received by the Customs officer on board the said vessel, shall be liable to confiscation.

XXXIX. And it is hereby enacted, that when goods shall be sent from on board of any vessel having a Customs officer on board for the purpose of being landed and passed for importation, there shall be sent with each boat load, or other separate despatch, a boat note, specifying the number of packages, and the marks and numbers or other description thereof, and such boat note shall be signed by an officer of the vessel, and likewise by the Customs officer on board, and if any imported goods be found in a boat proceeding to land from such a vessel without a boat note, or if being accompanied by a boat note they be found out of the proper track between the ship and the proper place of landing, the boat containing such goods may be detained by any officer of Customs duly authorized by the collector, and unless the cause of deviation be explained to the satisfaction of the collector of Customs, the goods shall be liable to confiscation.

XL. And it is hereby enacted, that when goods shall be brought to be passed through the Custom-house either for importation or exportation by sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom-house, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages, with the whole of the goods contained therein, shall be liable to confiscation.

XLI. And it is hereby enacted, that if any person, after goods have been landed, and before they have been passed through the Custom-house, removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation, unless it shall be proved to the satisfaction of the collector of Customs that the removal was not sanctioned by the owner or by any person having an interest in or power over the goods.

XLII. And it is hereby enacted, that it shall be lawful for the collector of Customs, whenever he shall see fit, to require that goods brought by sea and stowed in bulk shall be weighed or measured on board ship before being sent to land, and to levy duty according to the result of such weighing or measurement.

XLIII. And it is hereby enacted, that on application by the exporter of any salt that has paid the Excise duty fixed by Act No. XXVII. of 1837, a certificate shall be granted by the collector of Customs at the place of export, under authority of which certificate the quantity of salt specified therein shall be landed at any other port of the said Presidency of Bombay, and shall be passed from such port into the interior without the levy of any further duty either of Excise or of Customs.

XLIV. And it is hereby enacted, that when a Customs officer shall be sent on board of any vessel to superintend the delivery of cargo, twenty days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day when the Customs officer first went on board: and if the whole cargo be not discharged by the expiration of the above-mentioned periods, the master shall be charged with the wages of such officer, and other expenses for any further period that such officer may be detained on board: and if the owners, importers, or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the master so to do.

XLV. And it is hereby enacted, that when there shall be no Customs officer sent aboard vessels discharging cargo, it shall be lawful for the collector of Customs to fix a period, not being less than twenty days, for the discharge thereof and clearance of the vessel inwards; and if any goods remain on board after the time so fixed, or after the time allowed in the last preceding section of this Act, the collector may order the same to be landed and warehoused for the security of the duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the master of the same: provided always, that in all cases it shall be lawful for the collector or other officer in charge of the Custom-house, with the consent of the master of the vessel, to cause any packages to be brought

on shore and to be deposited in the Government warehouses for the security of the duties and charges thereon, although twenty days may not have expired from the entry of such vessel; and in case any goods brought to land from any vessel be not claimed and cleared from the Custom-house within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the collector to sell the same on account of the duties and other charges due thereon, and the balance remaining after deducting the said duties and charges shall be held in deposit and paid to the owner on application.

XLVI. And it is hereby enacted, that when a Customs officer shall be sent on board of any vessel discharging cargo, a further period of fifteen days, Sundays and holidays excluded, beyond the twenty days above specified, shall be allowed for putting on board export cargo if the vessel shall not exceed six hundred tons burthen, and twenty days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the master or commander shall in such case not be charged with the wages and expenses of the Customs officer on board until after the expiration of such additional period: and if a vessel having discharged its import cargo shall be laid up, the Customs officer on board shall certify that no goods remain on board except necessary stores and articles for use, and when a vessel so laid up shall be entered at the Custom-house for receipt of export cargo, a Customs officer shall be sent on board, and if the last-mentioned officer shall certify that no goods are on board except as above excepted, twenty days, exclusive of Sundays and holidays as above, shall be allowed from the date of such certificate for the lading outwards of a vessel not exceeding six hundred tons, and thirty days for vessels exceeding that burthen, after which periods respectively the master shall be charged with the wages and expenses of the Customs officer on board to the date of the vessel's sailing from the port.

XLVII. And it is hereby enacted, that when upon application from the master of any vessel the Customs officer shall be removed from on board thereof under the provisions to that effect contained in the last preceding section of this Act, if the master of such vessel shall before a Customs officer has again been placed in such vessel, put on board of such vessel, or cause or suffer to be put on board of such vessel, any goods whatever, such master shall be punished with a fine not exceeding one thousand rupees, and the goods shall be liable to be relanded for examination at the expense of the shippers, upon requisition to that effect from the collector of Customs.

XLVIII. And it is hereby enacted, that upon any goods liable to duty that may be passed through the Custom-house for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed duty shall in all cases be levied, and if the goods be free, or have already paid import duty, or have been imported free under certificate, five per cent. upon the market value shall be levied thereon, or if the same be imported goods entitled to drawback the drawback shall be forfeited, but no separate duty shall be levied on drawback goods.

XLIX. And it is hereby enacted, that when a vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage or from other cause be necessary that the cargo of a vessel that has cleared out shall be unshipped or relanded, a Customs officer shall be sent to watch the vessel and take charge of the cargo during such relanding or removal from on board, and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the collector of Customs, and shall remain while on land, or while on board of any other vessel, under special charge of the officers of Customs until the time of re-export, and all charges attending such custody shall be borne by the exporter: provided, however, that in all cases of return to port after port clearance, on account of damage or for stress of weather, it shall be lawful for the owner, or for the master to enter the vessel and land the cargo under the rules for the importation of goods, and the export duty shall in that case be refunded and the amount paid in drawback be reclaimed, and if goods on account of which drawback has been paid be not found on board the vessel, the master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the collector of Customs.

L. And it is hereby enacted, that when goods shall be relanded before the lading of any vessel is complete, and before port clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods, after port clearance shall have been granted for the vessel on which the goods were exported, unless the vessel shall have put back for stress of weather or for damage, and the goods shall have been relanded under the rule contained in the last preceding section of this Act.

LI. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of goods therefrom, and shipping of goods therein, and that whoever being in charge of any such craft shall knowingly contravene any such rule, shall be liable to a fine not exceeding one thousand rupees for each offence.

LII. And it is hereby enacted, that pattamars, dhonies, botellos, and other small craft from the Maldive or Laccadive islands, or from the native ports of Kattywar, Cutch, and Scinde, shall be treated in the ports of the Bombay Presidency like the coasting craft of the British territory, provided that they conform to such special regulations as to the place of anchoring, and mode of landing and shipping goods, as may be made by the Governor in Council of Bombay for such vessels in the several ports of the Bombay Presidency.

LIII. And it is hereby enacted, that no drawback shall be allowed on goods shipped on such Native craft, as are described in the last preceding section of this Act.

LIV. And it is hereby enacted, that goods exported in the same vessels, if manifested for re-export, shall not be subject to import or export duty, and if any goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the Custom-house for re-exportation in the vessel into which they may be transhipped.

LV. And it is hereby enacted, that no transhipment shall be made of any goods, except under special order in writing from the collector of Customs of the port, and an officer of Customs shall in all cases be deputed to superintend the removal of the goods from vessel to vessel.

LVI. And it is hereby enacted, that at every port subordinate to the Bombay Presidency, the port of Bombay excepted, an anchorage fee shall be levied once at each port according to the burthen, on all country craft above the burthen of (100) one hundred maunds, at the rates herein-under specified.

					Fee. Rupees.	
Above	10 Candies (equal to 100 maunds,)	Not exceeding.	20 Candies,	200 Indian maunds,	1	0
—	20	....	40	....	1	8
—	40	....	60	....	2	0
—	60	....	80	....	2	8
—	80	....	100	....	3	0
—	100	....	150	....	3	8
—	150	....	200	....	4	0
—	200	....	250	....	4	8
—	250	....	300	....	5	0
—	300	....	350	....	5	8
—	350	....	400 and upwards,	....	6	0

LVII. And it is hereby enacted, that in all cases in which under this Act, goods are liable to confiscation, the collector of Customs of the place where those goods may be shall be competent to adjudge such confiscation.

LVIII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any fine on account of any act or omission relating to Customs, the collector of Customs shall be competent, subject to the orders of the Governor in Council of the Presidency of Bombay, to refuse port clearance to such vessel until the fine shall be discharged.

LIX. And it is hereby enacted, that it shall be lawful for any collector of Customs, or other officer who may be authorized to adjudicate Customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the proprietor by the Customs officer who made such vexatious seizure, besides ordering the immediate release of the goods; and if the proprietor accept such damages, no action shall thereafter lie against the officer of Customs in any Court of justice on account of such seizure: and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double duty: and if the said officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the goods, a proportion not exceeding one-half shall be distributed in rewards amongst such officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

LX. And it is hereby enacted, that all officers of Customs shall as heretofore be amenable to the civil Courts of the Presidency or island of Bombay by action for damages, on account of any executive acts done in their official capacity, at the suit of the parties injured by such acts: provided, however, that no suit shall lie against a collector of Customs or other officer, for any judicial award in a matter of Customs passed under the preceding section of this Act.

LXI. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding one thousand rupees, or both.

LXII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept, or obtain, or attempt to obtain from any person any property, as a consideration for doing, or forbearing to do, any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, practises or attempts to practise any fraud, for the purpose of injuring the Customs revenue, or abets, or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an Order in Council, to transfer any of the powers given to a collector of Customs by this Act or any other functionary, and to make any rules consistent with law for the carrying of this Act into effect, and to establish such bunders and appoint such officers as he shall think fit, and to fix rates of wharfage and of rent to be paid for goods deposited or suffered to lie in the godowns of the Custom-house.

SCHEDULE A.

Rates of Duty to be charged on Goods imported by Sea into any Port of the Presidency of Bombay.

No	Enumeration of Goods.	When imported on British bottoms.	When imported on Foreign bottoms.
1	Bullion and coin......	Free	Free.
2	Precious stones and pearls... ...	Ditto	Ditto.
3	Grain and pulse	Ditto	Ditto.
4	Horses and other living animals ...	Ditto	Ditto.
5	Ice	Ditto	Ditto.
6	Coal, coke, bricks, chalk, stones (marble and wrought stones excepted)...	Ditto	Ditto.
7	Books printed in the United Kingdom or in any British possession	Ditto	3 per cent.
8	Foreign Books	3 per cent.	6 per cent.
9	Marine stores, the produce or manufacture of the United Kingdom or of any British possession	3 per cent.	6 per cent.
10	Ditto, ditto, the produce or manufacture of any other place or country...	6 per cent.	12 per cent.
11	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or any British possession...	3 per cent.	6 per cent.
12	Metals, ditto, ditto, excepting tin, the produce or manufacture of any other place	6 per cent.	12 per cent.
13	Tin, the produce of any other place than the United Kingdom or any British possession... ...	10 per cent.	20 per cent.
14	Woollens, the produce or manufacture of the United Kingdom or any British possession ...	2 per cent.	4 per cent.
15	Ditto, the produce of any other place or country	4 per cent.	8 per cent.
16	Cotton wool, not covered by certificate of the payment of export duty at any other port of Bombay	9 annas per maund of 80 tolas to the seer ...	1 Re. 2 as. per maund of 80 tolas to the seer.
17	Cotton and silk piece-goods, cotton twist and yarn, the produce of the United Kingdom, or of any British possession	$3\frac{1}{2}$ per cent.	7 per cent.
18	Ditto, the produce of any other place	7 per cent.	14 per cent.
19	Opium covered by a pass	Free	Free.
20	Ditto, not covered by a pass ...	24 rupees per seer of 80 tolas	24 rupees per seer of 80 tolas.
21	Salt, not covered by a pass ...	8 annas per maund of 80 tolas per seer ...	8 annas per maund of 80 tolas per seer.
22	Alum	10 per cent.	20 per cent.
23	Camphor	10 per cent.	20 per cent.
24	Cassia	10 per cent.	20 per cent.
25	Cloves	10 per cent.	20 per cent.

No.	Enumeration of Goods.	When imported on British bottoms.	When imported on Foreign bottoms.
26	Coffee	$7\frac{1}{2}$ per cent.	15 per cent.
27	Coral	10 per cent.	20 per cent.
28	Nutmegs and mace...	10 per cent.	20 per cent.
29	Pepper	10 per cent.	20 per cent.
30	Rattans	$7\frac{1}{2}$ per cent.	15 per cent.
31	Tea...	10 per cent.	20 per cent.
32	Vermilion	10 per cent.	20 per cent.
33	Wines and liqueurs	10 per cent.	20 per cent.
34	Spirits, consolidated duty, including any duties levied heretofore through the police ... ... And the duty on spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.	9 annas per imperial gallon	1 rupee per imperial gallon.
35	Tobacco ... ... Which duty shall be the minimum Customs duty levied on raw tobacco and all preparations thereof in all the ports of the Bombay Presidency, but if at the rate of 5 per cent. on the actual value, a higher duty than 1 rupee 8 annas per maund should be leviable on any preparation of tobacco, the duty shall be levied *ad valorem* at that rate if imported on British bottoms, and at 10 per cent. on foreign bottoms. And the Customs duty laid upon tobacco shall be allowed in settling for the special duty levied on the import of this article into the Island of Bombay, which special duty shall be levied at the rate of 9 rupees for the Indian maund.	1 Re. 8 as. per maund of 80 tolas per seer	1 Re. 8 as. per maund of 80 tolas per seer.
36	All articles not included in the above enumeration	3 per cent.	7 per cent.

And if the collector of Customs shall see reason to doubt whether the goods liable to a different rate of duty according to the place of their production come from the country from which they are declared to come by the importer, it shall be lawful for the collector of Customs to call on the importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Governor in Council at Bombay.

And upon the re-export by sea of goods imported, excepting opium and salt, and all goods of the growth, production, or manufacture of the continent of India, provided the re-export be made within two years of the date of import as per Custom-house register, and the goods be identified to the satisfaction of the collector of Customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback.

But no exporter of imported goods shall be entitled to drawback, unless the drawback be

claimed at the time of re-export, nor shall any payment be made of drawback, unless the amount claimed be demanded within one year from the date of entry of the goods for re-export in the Custom-house registers.

SCHEDULE B.

Rates of Duty to be charged on Goods exported by Sea from any Port or Place in the Presidency of Bombay.

No.	Enumeration of Goods.	Exported on British bottoms.	Exported on Foreign bottoms.
1	Bullion and coin	Free	Free.
2	Precious stones and pearls... ...	Ditto	Ditto.
3	Books, maps, and drawings printed in India	Ditto	Ditto.
4	Horses and living animals	Ditto	Ditto.
5	Opium, covered by a pass	Ditto	Ditto.
6	Ditto, not covered by a pass ...	Prohibited	Prohibited.
7	Cotton wool exported to Europe, the United States of America, or any British possession in America	Free	9 annas per maund of 80 tolas to the seer.
8	Ditto, ditto, exported to places other than above	9 annas per maund of 80 tolas per seer... ...	1 rupee 2 annas per maund of 80 tolas to the seer.
9	Salt, having paid the excise of 8 annas a maund...	Free	Free.
10	Tobacco	1 R. 8 as. per maund of 80 tolas to the seer ...	1 rupee 8 annas per maund of 80 tolas per seer.
11	All country articles not enumerated or named above	3 per cent	6 per cent.

And upon the re-export to Europe, the United States of America, or to any British possession in America, or from any other port of the Bombay Presidency, of cotton, that has been imported under certificate of the payment of the duty specified in this schedule, provided that the re-export be made in British bottoms within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export as per Custom-house registers, the whole amount of export duty levied at the first place of export shall be refunded.

SCHEDULE C.

Manifest of Goods imported per Commander, from under Colours, viz.

Marks.	Numbers.	Packages.	Quantity.	Weight.	Gallons.	Yards.	Description of Goods.	Invoice value.	Tariff value.	
A.	1 to 5	5 cases	250 pieces			3000	Cambrics............			
							Long cloths, bleached..			
							Long cloths, unbleached			
							Madapollams, bleached			
							Ditto, unbleached. ..			
							Plain muslins			

N. B. Articles generally to be specified, excepting such as ironmongery, hard-ware, glass-ware, earthenware, cutlery, perfumery, confectionary, stationery, and such like.

All articles from Great Britain to be entered according to the English weight, not Native.

From China, in like manner in China weights.

In imports and exports of bullion or coin, to specify the sort of which they consist.

ACT No. XXXI. of 1838.

Passed by the Honourable the President of the Council of India in Council on the 3rd December, 1838.

I. It is hereby enacted, that so much of a Statute made and passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for improving the Administration of Criminal Justice in the East-Indies," as relates to any person who unlawfully and maliciously shall administer or attempt to administer to any person, or shall cause to be taken by any person, any poison or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to murder such person; and so much of the said Act as relates to any person who shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices for any offence for which he or they may respectively be liable by law to be apprehended or detained; and so much of the said Act as relates to any person who, with intent to procure the miscarriage of any woman, then being quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any poison or other noxious thing, or shall use any instrument or other means whatsoever with the like intent; and who with intent to procure the miscarriage of any woman, not being or not being proved to be then quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine or other thing, or shall use any instrument or other means whatever with the like

intent; and so much of the said Act as relates to any person who shall rob any other person of any chattel, money or valuable security; and so much of the said Act as relates to any person who shall accuse or threaten to accuse any other person of any infamous crime, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat extort or gain from him any chattel, money or valuable security; and so much of the said Act as relates to any person who shall steal from the person of another, or shall assault any other person with intent to rob him, or shall by menaces or by force demand property of any other person with intent to steal the same; and so much of the said Act as relates to any person who shall be convicted of burglary: and so much of the said Act as relates to any person who shall break and enter any dwelling house and steal therein any chattel, money or valuable security to any value whatever, or shall steal any such property to any value whatever in any dwelling-house, any person therein being put in fear, or shall steal in any dwelling house any chattel, money or valuable security to the value in the whole of fifty Company's rupees or more; and so much of the said Act as relates to any person who shall plunder and steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles, of any kind belonging to such ship or vessel; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to, or in any wise destroy, any ship or vessel, whether the same be complete, or in an unfinished state, or shall unlawfully and maliciously set fire to any goods being on board any ship or vessel as cargo, with intent to destroy such cargo or ship, and with intent thereby to prejudice any owner or part owner of such ship or vessel, or any owner or part owner of any goods on board the same, or any person that hath underwritten, or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same; and so much of the said Act as relates to any person who shall exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same); and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain or pulse, or sugar-cane, whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing; and so much of the said Act as relates to the punishment of principals in the second degree, and of accessaries before and after the fact respectively to such of the felonies punishable under those Acts as are herein-before referred to, shall, from the time of passing this Act, cease to have effect within the territories of the East-India Company, except as to offences committed before or upon the day of passing this Act, which shall be dealt with and punished as if this Act had not been passed.

II. And it is hereby enacted, that this Act shall extend to all persons and over all places over whom or which the criminal jurisdiction of any of her Majesty's Courts of justice within the territories under the government of the East-India Company extends, but not further or otherwise.

III. And it is hereby enacted, that whosoever shall administer to or cause to be taken by any person any poison or other destructive thing, or shall stab, cut, or wound any person, or shall by any means whatsoever cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall suffer death.

IV. And it is hereby enacted, that whosoever shall attempt to administer to any person any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

V. And it is hereby enacted, that whosoever unlawfully and maliciously shall shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VI. And it is hereby enacted, that whosoever shall unlawfully and maliciously send or deliver to, or cause to be taken or received by any person, any explosive substance or any other dangerous or noxious thing, or shall cast or throw upon or otherwise apply to any person any corrosive fluid or other destructive matter, with intent in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, and whereby, in any of the cases aforesaid, any person shall be burnt, maimed, disfigured, or disabled, or receive some other grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VII. And it is hereby enacted, that whosoever with intent to procure the miscarriage of any woman shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VIII. And it is hereby enacted, that on the trial of any person for any of the offences herein-before mentioned, or for any felony whatever where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding, and when such verdict shall be found, the Court shall have power to imprison the person so found guilty of an assault for any term not exceeding four years.

IX. And it is hereby enacted, that whosoever shall burglariously break and enter into any dwelling-house, and shall assault with intent to murder any person being therein, or shall stab, cut, wound, beat, or strike any such person, shall be guilty of felony, and being convicted thereof shall suffer death.

X. And it is hereby enacted, that whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XI. Provided always, and it is hereby enacted, that so far as the same is essential to the offence of burglary, the night shall be considered, and is hereby declared to commence at nine of the clock in the evening, and to conclude at six of the clock in the morning of the next succeeding day.

XII. And it is hereby enacted, that whosoever shall steal any property in any dwelling-house, and shall by any menace or threat put any one being therein in bodily fear, or shall steal in any dwelling-house any property to the value in the whole of fifty Company's rupees

or more, or shall break and enter any dwelling-house, and steal therein any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XIII. And it is hereby enacted, that whosoever shall rob any person, and at the time of or immediately before or immediately after such robbery shall stab, cut or wound any person, shall be guilty of felony, and being convicted thereof, shall suffer death.

XIV. And it is hereby enacted, that whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any person, or shall together with one or more person or persons rob or assault with intent to rob any person, or shall rob any person, and at the time of or immediately before or after such robbery shall beat, strike or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XV. And it is hereby enacted, that whosoever shall accuse or threaten to accuse any person of the abominable crime of buggery committed either with mankind or with beast, or of any assault with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise, or threat to any person whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent, in any of the cases aforesaid, to extort or gain from such person, and shall by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVI. And it is hereby enacted, that whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, and be convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVII. And it is hereby enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years.

XVIII. And it is hereby enacted, that whosoever shall assault any person with intent to rob, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XIX. And it is hereby enacted, that whosoever shall, with menaces or by force, demand any property of any person with intent to steal the same, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XX. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any dwelling-house, any person being therein, shall be guilty of felony, and being convicted thereof, shall suffer death.

XXI. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any church or chapel or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court

shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXII. And it is hereby enacted, that whosoever shall unlawfully and maliciouly set fire to, cast away, or in anywise destroy any ship or vessel, either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof, shall suffer death.

XXIII. And it is hereby enacted, that whosoever shall unlawfully exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully or maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of felony, and being convicted thereof, shall suffer death.

XXIV. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or be imprisoned for any term not exceeding four years.

XXV. And it is hereby enacted, that whosoever shall by force prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore (whether he shall be on board or shall have quitted the same) shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVI. And it is hereby enacted, that whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any mine of coal shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVIII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain, pulse, or sugar-cane, straw, hay, or wood, or to any crop of rice, corn or other grain, or pulse or sugar-cane, whether standing or cut down, or to any part of a wood, coppice, or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXIX. And it is hereby enacted, that if any person shall steal the whole or any part of any growing tree, sapling, or shrub, or any underwood, or of any pale, post, or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, every such offender, being convicted before a magistrate or justice of the peace, shall for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding fifty rupees, as to the magistrate or justice of the peace shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall for such second offence be imprisoned with or without hard labour,

for such term not exceeding six calendar months, as the convicting magistrate or justice of the peace shall think fit: provided always that nothing in this section contained concerning the stealing of any property or malicious damage, injury or spoil to or upon any real property of a private nature shall extend to the settlements of Prince of Wales' Island, Singapore, or Malacca.

XXX. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the convicting magistrate or justice of the peace) shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence, and that in every case of a summary conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the magistrate or justice of the peace shall not be paid, either immediately after the conviction, or within such period as the magistrate or justice of the peace shall at the time of conviction appoint, it shall be lawful for the convicting magistrate or justice of the peace to commit the offender to the common gaol or house of correction, to be imprisoned only, or to be imprisoned with hard labour, according to the discretion of the magistrate or justice of the peace, for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be) together with the costs, shall not exceed fifty rupees, and for any term not exceeding four calendar months, when the amount with costs shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

XXXI. Provided always, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only.

XXXII. And it is hereby enacted, that in case any person convicted of any offence punishable upon summary conviction, by virtue of this Act, shall have paid the sum adjudged to be paid, together with costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, every such person shall be released from all further or other proceedings for the same cause.

XXXIII. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence shall equally apply and be enforced whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

XXXIV. And it is hereby enacted, that it shall not be necessary in any proceeding, either for theft or for malicious injury, spoil or damage, to or upon any property, dedicated to public use or ornament, to allege the same to be the property of any person.

XXXV. And it is hereby enacted, that the word "property" shall throughout this Act be deemed to include every thing included under the words "chattel, money, or valuable security," in the said statute made and passed in the ninth year of the reign of his late Majesty King George the Fourth aforesaid, and that the term dwelling-house shall have the same construction as in the said statute.

XXXVI. And it is hereby enacted, that in the case of every felony punishable under this Act, every principal in the second degree, and every accessary before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable: and every accessary after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction be liable to be imprisoned for any term not exceeding two years.

XXXVII. And it is hereby enacted, that where any person shall be convicted under this Act for any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned and kept to hard labour and also to direct that the prisoner be kept in solitary confinement for such a period or periods

of the imprisonment as to the Court in its discretion shall seem meet, not exceeding one month at a time, or three months in any one year.

XXXVIII. And it is hereby enacted and provided, that it shall not be lawful for any Court under the authority of this Act, to order the transportation of any person being a native of the East-Indies, and not born of European parents, to the eastern coast of New South Wales, or any of the islands adjacent thereto.

ACT No. XXXII. of 1838.

Passed by the Honourable the President of the Council of India in Council on the 10th December, 1838.

I. It is hereby enacted and declared, that all powers whatever in criminal cases, which by virtue of any law now in force may be exercised by two Justices of the Peace within and for the provinces, districts, and countries of Bengal, Behar, and Orissa, and within and for the Presidency of Fort William in Bengal, and places thereto subordinate, may be exercised by one such Justice.

II. And it is hereby enacted, that it shall be lawful for any one such Justice to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 George 3, cap. 52, and every such warrant shall have the same force as if it were under the hands and seals of two Justices.

III. And it is hereby enacted and declared, that all such powers heretofore exercised, and warrants issued by one such Justice of the Peace, shall be deemed legal and valid as if the same had been exercised or issued by two such Justices.

ACT No. III. of 1839.

Passed by the Honourable the President of the Council of India in Council on the 18th February, 1839.

I. It is hereby enacted and declared, that within the British territories under the government of the East-India Company, no person whatever is or shall be, by reason of place of birth or by reason of descent, in any proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the revenue Courts, anything in Act No. XI. of 1836 contained notwithstanding.

II. And it is hereby enacted that no such proceeding which may have been instituted before the passing of this Act in any such Court, and no decree which may have been passed before the passing of this Act in any such proceeding by any such Court, shall be treated as invalid by reason of the place of birth, or by reason of the descent of any party to such proceeding or to such decree.

III. And it is hereby enacted, that within the said territories no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever connected with arrears or exactions of rent excepted from the jurisdictions of the Courts of the moonsifs.

ACT No. XV. of 1839.

Passed by the Honourable the President of the Council of India in Council on the 10th June, 1839.

I. It is hereby enacted, that if any person on or after the day on which this Act will come into operation, as herein-after provided, lands or attempts to land in any part of the territories subject to the Government of the Presidency of Fort St. George, any foreign sugar, or any sugar which is the growth of any British possession into which foreign sugar can be legally imported, such sugar shall be seized and confiscated by the collector of the Customs, or by any other officer thereunto authorized by the Governor in Council of the said Presidency: provided always, that sugar which is the growth of any part of the Presidency of Fort William, in Bengal, into which foreign sugar, and sugar which is the growth of any British possession into which foreign sugar may be legally imported, are prohibited from being landed, may, during such prohibition, be landed in the said territories as heretofore.

[Importation prohibited into territories subject to Fort William, by No. 32 of 1836.]

II. And it is hereby enacted, that if any person being in possession of sugar, the produce of the said territories, desires to obtain a certificate of origin from the collector or assistant-collector of the land or Custom revenue of any district within the said territories, or from any other officer appointed by the Governor in Council of Fort St. George to give such certificates, such person shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a declaration in the form contained in the schedule hereunto annexed, marked A.

III. And it is hereby enacted, that the officer before whom such a declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a certificate in the form contained in the schedule hereunto annexed, marked B.

IV. And it is hereby enacted, that every person who intends to ship sugar from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the collector of Customs at that place, or to any other officer who may have been appointed by the Governor in Council of Fort St. George, to act on such occasions instead of the collector of Customs, a certificate such as is above described, and also in the presence of the officer to whom he has so produced such certificate, to make and subscribe a declaration in the form contained in the schedule hereunto annexed, marked C.

V. And it is hereby enacted, that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last-mentioned form shall have been so made and subscribed, shall grant to the person who has made the last-mentioned declaration a certificate in the form contained in the schedule hereunto annexed, marked D.

VI. And it is hereby enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding five thousand rupees, and imprisonment with or without hard labour for a term not exceeding two years.

VII. And it is hereby enacted that this Act shall come into operation at the expiration of one year after the passing of this Act.

SCHEDULES.

A.

I, *A. B.*, solemnly declare that all the sugar herein-under described is, to the best of my knowledge and belief, the produce of this district of

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number and denomination of Packages.

The day of
18 .

(Signed) *A. B.*

B.

I, *C. D.*, collector of land revenue (or collector of Custom revenue or being an officer appointed by the Governor in Council of Fort St. George to act in this behalf) for this district of , do hereby grant this certificate under my hand and seal, that the sugar herein under described is of the produce of this district of , and that the importation of foreign sugar, and of sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district of

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and denomination of the Packages.	Name of the Declarant on whose Declaration the Certificate is given.

L. S.

(Signed) *C. D.*

C.

I, *E. F.*, shipper of the sugar herein-under described, solemnly declare that all the sugar herein-under described is, to the best of my knowledge and belief, the same sugar to which the certificate now produced by me relates.

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number and denomination of Packages.	Name of Ship in which the Sugar is shipped or to be shipped.	Name of the Master of the Ship.

(Signed) *E. F.*

D

I, *G. H.*, collector of Customs (or being an officer appointed by the Governor in Council, of Fort St. George to act in this behalf) for the port of certify, under my hand and seal, that there has been produced to me by *E. F.*, the shipper of the sugar herein-under described, a certificate under the hand and seal of *C.D.*, collector of land revenue (or collector of Custom revenue, or being an officer appointed by the Governor in Council of Fort St. George to act in this behalf) for the district of in the territories subject to the Government of the Presidency of Madras, which certificate certifies that the said sugar is the produce of the said district, and that the importation of foreign sugar, or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district.

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and denomination of Packages.	Name of the Ship.	Name of the Master of the Ship.

L. S. (Signed) *G. H.*

ACT No. XXXI. of 1839.

Passed by the Honourable the President of the Council of India in Council on the 23d December, 1839.

An Act for remedying certain defects in the Statute 9th Geo. 4, *cap.* 74, *relating to the Coin.*

I. Whereas it is expedient to remedy certain defects in the Statute 9th Geo. 4, cap. 74, of which the inconvenience is particularly experienced relating to injuries to the coin:

It is hereby enacted, that if any person shall fraudulently clip, file, drill, deface, or debase any current gold or silver coin issued from any mint of the East-India Company, or usually received as money in any part of the territories under the government of the East-India Company, with intent to make the coin so clipped, filed, drilled, defaced, or debased pass for the current gold or silver coin so issued, or usually received as money as aforesaid, every such offender shall be guilty of felony, and shall be liable, on conviction, at the discretion of the Court, to be transported to such place as the Court shall direct for life or for any term of years, or to be imprisoned for any term not exceeding four years.

II. And it is hereby provided, that it shall not be lawful for any Court under the authority of this Act, to order the transportation of any person being a native of the East-Indies, and not born of European parents, to the Eastern coast of New South Wales, or any of the islands adjacent thereto.

III. And it is hereby enacted, that this Act shall extend to all persons and over all places over whom or which the criminal jurisdiction of any of her Majesty's Courts of Justice within the territories under the government of the East-India Company extends, but not further, or otherwise.

ACT No. V. of 1840.

Passed by the Right Honourable the Governor-general of India in Council on the 24th February, 1840.

An Act concerning the Oaths and Declarations of Hindoos and Mahometans.

I. Whereas obstruction to justice, and other inconveniences have arisen in consequence of persons of the Hindoo or Mahometan persuasion being compelled to swear by the waters of the Ganges, or upon the Koran, or according to other forms which are repugnant to their consciences or feelings;

It is hereby enacted, that except as hereinafter provided, instead of any oath or declaration now authorized or required by law, every individual of the classes aforesaid within the territories of the East-India Company shall make affirmation to the following effect:—

"I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

II. And it is hereby enacted, that if any person making such affirmation as aforesaid shall wilfully and falsely state any matter or thing which if the same had been sworn before the passing of this Act would have amounted to perjury, every such offender shall be subject in all Courts to the same punishment to which persons convicted of perjury were subject before the passing of this Act.

III. And it is hereby enacted, that any person causing or procuring another to commit the offence defined in the second Section of this Act shall be subject in all Courts to the same punishment to which persons convicted of subornation of perjury were subject before the passing of this Act.

IV. And it is hereby provided, that this Act shall not extend to any declaration made under the authority of Act No. XXI. of 1837, nor to any Declaration or Affirmation made in any of her Majesty's Courts of Justice.

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—— 3 & 4 V. c. 37 (Mutiny Act for Company's Forces—Indian Navy—Payment of Regimental Debts—Distribution of Estates of Officers and Soldiers dying on Service) to commence from and after 1st January, 1841, except where other commencement is particularly directed, from which date 4 G. 4, c. 81, is repealed ... 3 & 4 *V. c.* 37, *s.* 59 517

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ACTS OF THE GOVERNMENT OF INDIA (*see* Governor-general and Council of India).

ACTIONS not to be stayed or compromised by the Company, their officers and servants, or the Court of Directors, before final judgment, unless with approbation of the Board ... ... 33 *G.* 3, *c.* 52, *s.* 68 100

—— All suits and prosecutions for anything done under or by virtue of 33 G. 3, c. 52, to be commenced within three years after cause of complaint, or if done in Great Britain in the absence of any person aggrieved thereby, within three years of the return of such person to Great Britain ... ... *s.* 162 114

—— Same provision with regard to proceedings under 53 *G.* 3, *c.* 155 (*See* that Act, *s.* 124) 199

—— No action be commenced for anything done under 55 G. 3, c. 84, until after twenty days' notice, nor after sufficient satisfaction or tender thereof shall have been made, nor after three years' after cause of complaint shall have arisen; defendants may plead general issue, and give special matter in evidence: plaintiffs to be nonsuited if sufficient satisfaction or tender proved or action not commenced within limited time, or in any other manner than as directed; the defendant to have treble costs if plaintiff be nonsuited, or discontinue his action, after defendant has appeared, or judgment be given against plaintiff upon demurrer, or similar objection, or where verdict, or judgment in nature of verdict, shall pass for defendant ... ... 55 *G.* 3, *c.* 84, *s.* 9 208

—— All actions or suits for anything done under Act 4, G. 4, c. 80 (relative to Asiatic seamen) to be commenced within three months after the fact committed, such action to be brought only in the county or place where the cause of action shall have arisen; defendant may plead general issue and give Act and special matter in evidence; if done under authority and execution of Act, or brought after limited time, or in other county

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or place, jury to find for defendant: if plaintiff become nonsuit, discontinue action, or have verdict against him, defendant to have treble costs and usual remedy for recovery thereof 4 *G.* 4, *c.* 83, *s.* 33 249

—— All actions under Act 9, G. 4, c. 74 (Criminal Justice in India), to be commenced within six calendar months after fact committed; notice to be given to defendant one calendar month at least before the commencement of action; defendant may plead general issue, and give Act and special matter in evidence; no plaintiff to recover if tender or sufficient amends have been made before action brought, or if a sufficient sum of money shall have been paid into Court by defendant after action brought; if verdict for defendant, plaintiff nonsuited or discontinue action after issue joined, defendant may recover full costs as between attorney and client; if a verdict be given for plaintiff, such plaintiff not to have costs against defendant, unless the judge shall certify his approbation of the action 9 *G.* 4, *c.* 74, *s.* 51 319

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Administration of Effects of British Subjects dying Intestate in India, in default of next of kin or creditor appearing after citation in proper Ecclesiastical Court, and satisfactorily establishing claim, the registrar of the Court to administer and account 39 & 40 *G.* 3, *c.* 79, *s.* 21 138

—— Letters of administration thus granted to be recalled on establishment of claim by next of kin or creditor absent at return of the citation ... *s.* 22 139

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—— On application of attorney duly appointed, letters of administration to registrar to be revoked, unless unreasonable delay has taken place either in furnishing the authority or making application under it: Court may order the whole or part of any commission in respect to administration due by any reasonable custom, to be allowed to the registrar; not necessary for attornies to take out letters of administration otherwise than if Act had not be made; no claim to commission to accrue to them thereby other than would have been payable to them as agents according to usual rates or by special agreement ... ... *s.* 3 204

—— Act not to affect rights or interests arising before passing ... *s.* 4 205

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—— His Majesty in Council may give directions to the Company or other persons for bringing to a hearing appeals from the several Courts of Sudder Dewanny Adawlut, and for appointing agents and counsel for the different parties, and may make orders for the security and payment of costs; whereupon such appeals may be heard and determined, but last-mentioned powers not to extend to any appeal except where no proceedings may have been taken in England on either side for two years subsequent to admission of appeal by Court of Sudder Dewanny Adawlut ... ... *s.* 22 368

—— Order to have effect on any such appeal notwithstanding death of any of the parties interested therein, but where appeal has been withdrawn, or discontinued, or compromised, determination of Council therein to have no effect ... ... *s.* 23 369

—— His Majesty in Council may make rules and orders for regulating the mode, form, and time of appeal from all Courts eastward of the Cape of Good Hope, from which an appeal lies to the King in Council; and also for preventing delays, regulating expenses, and fixing amount for which appeal may be made ... ... *s.* 24 369

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—— Board of Commissioners for the affairs of India may direct expenses of forces sent to India to be paid out of the revenues of that country 28 *G.* 3, *c.* 8, *s.* 1 75

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—— Payment for King's troops by the Company not to exceed 20,000 men, including commissioned and non-commissioned officers; unless any greater number shall be sent to India on the requisition of the Court of Directors ... ... 53 *G.* 3, *c.* 155, *s.* 87 183

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—— Actual expenses of the forces of the Crown in India, and of raising and supplying recruits for the same, to be borne by the Company 33 *G.* 3, *c.* 52, *s.* 128 104

—— Company discharged from all claims on account of, computed to 30th April, 1822; and Crown released from all claims on account of money advanced by Company for its service ... ... 3 *G.* 4, *c.* 93, *s.* 3 238

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—— Company empowered to raise military forces for the defence of their forts, factories, and plantations in India ... ... (*Charter*) 10

—— Company by licence from the Crown may raise recruits for service in India 21 *G.* 3, *c.* 65, *s.* 32 46

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—— No more cadets than necessary to be sent out ... 33 *G.* 3, *c.* 52, *s.* 59 98

—— Age of cadets not to be under fifteen, nor more than twenty-two; certificate of age under hand of minister of the parish or keeper of the register of baptisms to be delivered; if no register can be found affidavit to be made; but Court may appoint any person who has been one year a commissioned officer in the service of the Crown, or in the militia or fencibles, and hath been called into actual service, or from the Company of cadets in the royal regiment of artillery whose age shall not exceed twenty-five years ... ... *s.* 60 98

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—— Crown may order levy of troops to serve in the East-Indies, either in his Majesty's or the Company's forces ... 39 *G.* 3, *c.* 109, *s.* 1 126

—— may cause recruits to be transferred to the service of the Company *s.* 3 127

—— Company not obliged to receive invalids ... ... *s.* 4 *ib.*

—— Company to pay sums agreed upon to reimburse expenses of enlistment and costs of subsistence ... ... *s.* 5 *ib.*

—— Company may train men in Great Britain, Guernsey, and Jersey, and draft them to be sent abroad as necessary ... ... *s.* 6 *ib.*

—— Company may appoint commissioned and non-commissioned officers, &c. to discipline the men ... ... *s.* 7 128

—— Limit as to number of men and officers ... ... *s.* 8 *ib.*

—— Company may appoint quarter-master, paymaster, &c. ... *s.* 9 *ib.*

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—— Officers and men to be subject to commandants of garrisons and partake in duties; orders of Company to be given through commandants *s.* 12 & 13 *ib.*

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—— Men may be raised to serve the Company only, and either for life or limited time ... ... 50 *G.* 3, *c.* 87, *s.* 1 158

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—— Provisions of Mutiny Act as to quartering, billetting, and providing of carriages to extend to Company's troops ... ... *s.* 3 *ib.*

—— Men above eighteen may enlist for twelve years, and if under eighteen for further period equal to difference between actual age and eighteen years *s.* 4 *ib.*

—— May re-enlist at expiration of limited period ... ... *s.* 5 *ib.*

—— Persons enlisting militia men for Company's service subject to penalties 57 *G.* 3, *c.* 57, *s.* 3 210

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—— His Majesty may direct manner of holding Courts-martial ... *s.* 7 160

—— Court of Directors may restore military officers dismissed by sentence of Courts-martial, but restoration not valid without consent of the Board 51 *G.* 3, *c.* 75, *s.* 4 & 5 164, 165
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—— Court, with approbation of the Board, may permit officers, being of the rank of a general officer, colonel commanding a regiment, or lieutenant-colonel commandant of a regiment, having departed from India with leave, to have rank and be again capable of serving, although he may have been absent more than five years, and absence not caused by sickness, infirmity, or inevitable accident ... ... 53 *G.* 3, *c.* 155, *s.* 84 182

—— Provisions of 50 G. 3, c. 87 (which see above), extended to Ireland 52 *G.* 3, *c.* 122, *s.* 1 166

—— Local Governments to make regulations and Articles of War for Native troops, for Courts-martial, and all other purposes; to be promulgated in conformity with provisions of 37 G. 3, c. 5 ... 53 *G.* 3, *c.* 155, *s.* 96 187

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—— Officers employed to take care of effects of deceased officers and soldiers, may collect them, and take legal remedies without letters of administration 6 *G.* 4, *c.* 61, *s.* 1 255
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—— Effects remitted to agents not deemed assets within the province in which agent resides, so as to render administration necessary, unless administration to any other effects of deceased shall be taken out in the province —effects of European officers or soldiers may be remitted to any place where they can be most conveniently paid over 6 *G.* 4, *c.* 61, *s.* 2 256

—— Payment of expenses of illness and of personal charges may be directed out of effects, together with all regimental debts and military payments, and surplus only deemed personal estate of deceased ... *s.* 3 256

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—— Governor-general of India in Council to make Articles of War for Native officers and soldiers, and such orders shall be of exclusive authority over all such officers and soldiers to whatever Presidency they may belong, or wherever serving, but not while former Articles of War are in force ... ... 3 & 4 W. 4, *c.* 85, *s.* 73 429

—— Mutiny, desertion, and numerous other offences, provisions against 3 & 4 *V. c.* 37, *s.* 1 498

—— In any foreign state or country under the protection of the Crown or Company, or at any place other than Prince of Wales' Island, more than 120 miles from Presidency, persons subject to military law may be tried by Court-martial for capital crimes; persons thus liable and against whom no proceeding has been commenced in any ordinary Court, to be apprehended and given over to commanding officer; sentence of death or transportation for offences committed within territories under government of the Company not to be carried into effect till confirmed by the officer commanding at the Presidency, with the concurrence of the Governor-general in Council, or Governor in Council *s.* 2 *to* 4 499

—— Soldiers accused of capital crimes, or of violence, or of offences punishable by the law to be delivered over to the civil magistrate, and if convicted in any of her Majesty's Courts of Record in India, to be cashiered and rendered incapable of holding any civil or military office under the Company in the East-Indies; a copy of the record of conviction to be transmitted to Judge Advocate General; but no person to be delivered to the civil magistrate who has been tried by a Court-martial under the second section, or towards whose trial any effectual proceedings have been taken; no person acquitted or convicted by civil magistrate to be liable to be punished by Court-martial except by cashiering *s.* 5 500

—— No soldier liable to arrest for debt unless amounting to three hundred Company's rupees ... ... *s.* 6 *ib.*

—— The Queen may make Articles of War for the Company's forces, of which all Courts shall take judicial notice; copies to be transmitted to Judges and Governors; not to impeach any Articles of War enacted or hereafter to be enacted by Government of India for Native officers or soldiers *s.* 7 501

—— On trial of Native officers or soldiers, or followers, reference to be had to Articles of War framed by Government of India, and to established usages of the service ... ... *s.* 8. *ib.*

—— Commission from the Crown may be granted to Court of Directors, who thereupon, under the seal of the Company, may empower the Governor-general in Council, and Governor in Council, to appoint Courts-martial, and empower General or other officers commanding any body of the Company's forces to appoint as well as to authorize officers under their command, not below the rank of field officer, to convene general Courts-martial ... ... *s.* 9 501

—— The Queen, by commission or warrant, empowered to authorize Courts-martial to be convened for trying offences against Articles of War ... *s.* 10 502

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—— Offenders may be tried and punished in any part of her Majesty's dominions, or Company's territories, or elsewhere, where offender may have come after commission of the offence ... 3 & 4 *V. c.* 37, *s.* 11 502

—— General Courts-martial, number of which they are to be composed under various circumstances ... ... *s.* 12 *ib.*

—— Imprisonment with or without hard labour, solitary or otherwise, in any public prison or other place which the Court or commanding officer may appoint, or corporal punishment not extending to life or limb, may be inflicted by sentence of General Court-martial for immorality, misbehaviour or neglect of duty, with forfeiture of all advantage as to additional pay or pension on discharge. If convicted of offence punishable with death, but which the Court may not think deserving of capital punishment, Court may award transportation, as a felon for life, or sentence offender to general service in any country or place within Company's limits, with forfeiture of all advantage as to increase of pay or pension. Commander-in-chief, in all cases where capital punishment has been awarded, may, instead of causing sentence to be executed, order offender to be transported as a felon either for life or term of years ... ... *s.* 13 *ib.*

—— The Queen empowered, with advice of Privy Council, to authorize the Indian Government to appoint any place beyond the seas within her Majesty's dominions to which felons and other offenders may be conveyed. Governments to execute sentences of transportation. Transports to be liable to the same laws, rules, and regulations as are, or shall be in force, in any such place or places with respect to convicts transported from Great Britain ... ... *s.* 14 & 15 503

—— Embezzlement and similar offences committed by paymaster, or other commissioned officer, or any person employed in the ordnance or commissariat department, &c., punishable by transportation, fine, imprisonment, dismissal from service, and incapacity of serving again, at the discretion of the Court. Officer convicted to make good loss of damage sustained. Amount when ascertained by Court-martial to be a debt to her Majesty or the East-India Company, as the case may be, and recovered accordingly ... ... *s.* 16 503

—— Composition and powers of District or Garrison Courts-martial. Sentence to be confirmed by general officer, governor, or senior officer in command of the district, garrison, or island, and the President of every Court-martial, other than a General Court-martial, not being under the rank of captain, shall be appointed by the officer convening such Court-martial, but such Court-martial not to have the power of passing sentence of death or transportation ... ... *s.* 17 504

—— Cases of mutiny and gross insubordination, or any offences committed on the line of march, may be tried by Regimental Courts-martial, and sentence confirmed and carried into execution on the spot by commanding officer. May also try any soldier for habitual drunkenness, and sentence him to imprisonment with or without hard labour, and to solitary confinement; if soldier drunk when on duty, or parade, or on the line of march,

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to be liable to loss of part of his pay in addition to imprisonment; and if convicted of habitual drunkenness, to be deprived of his liquor, or allowance in lieu of beer or liquor, or such proportion thereof, or of additional or regular pay for a period not exceeding six months, subject to restoration on subsequent good conduct 3 & 4 *V. c.* 37, *s.* 18 504

— Soldiers found guilty of desertion by a General or District Garrison Court-martial, or of felony in any Civil Court of Judicature, to forfeit all advantage as to additional pay, and to pension on discharge, in addition to punishment Court may award. Deserters may be marked *s.* 19 505

— Officers in command of troops serving in countries not in alliance with the East-India Company, may assemble Courts-martial; such Court to consist of not less than three officers, and to have same powers in regard to summoning and examining witnesses, &c., as are granted to General Courts-martial. Sentence to be confirmed by the General Commanding-in-chief of the army to which division or detachment may belong *s.* 20 505

— Officers of the forces of the Crown, and those of the Company, may sit in conjunction; if person tried belong to Queen's forces, the provisions of the Act then in force for the punishment of mutiny and desertion shall be followed; if person tried belong to Company's forces, the provisions of this Act ... ... *s.* 21 506

— Offenders may be tried by General Courts-martial consisting of Queen's officers alone, where no officers of the Company can conveniently be had ... ... *s.* 22 *ib.*

— Oath or solemn declaration to be administered to witnesses ... *s.* 23 *ib.*

— Oath to be taken by members of Court-martial, Judge Advocate-general or officiating Judge Advocate-general mentioned in schedule to Act; protection to witnesses; not attending or refusing to give evidence liable to attachment ... ... *s.* 24 *ib.*

— No one to be tried more than once for the same offence, unless on appeal; no sentence given by any Court-martial, signed by the President, to be revised more than once; and no witness to be examined, nor additional evidence received by the Court on such revision ... *s.* 25 *ib.*

— Original proceedings, sentence, &c. to be transmitted to Judge Advocate-general of the army in which such Court shall be held ... *s.* 26 507

— Governments of India may suspend proceedings ... ... *s.* 27 *ib.*

— Offences under Act 4 Geo. 4, cap. 81, punishable under this Act, but not if committed more than three years before the issuing of the commission or warrant for trial of the offender, unless from absence, or other manifest impediment, he has not within that period been amenable to justice, in which case he may be tried at any time not exceeding two years after the impediment shall have ceased, or unless the conduct of the accused person shall have been submitted to the consideration of the Court of Directors, in which case the commission or warrant may be issued at any time within five years ... ... *s.* 28 *ib.*

— Desertion shall be punishable notwithstanding any circumstances of enlistment; admissibility of evidence of former offences, but only after the

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prisoner shall have been found guilty, and then only for the purpose of affixing punishment ... ... 3 & 4 *V. c.* 37, *s.* 29 507

—— A person acknowledging himself to be a deserter to be deemed to be duly enlisted as a soldier, and to be dealt with accordingly ... *s.* 30 508

—— Persons directly or indirectly persuading soldiers to desert to be punished by fine, imprisonment, or both; assisting or concealing deserters, knowingly, to forfeit eight hundred Company's rupees; and further liable to imprisonment, not exceeding twelve months ... ... *s.* 31 *ib.*

—— Musters—making, giving or procuring false certificates to excuse absence from, to subject officers to be cashiered, and disabled from serving the Company or the Crown; if party shall not have any military commission he shall forfeit for every offence five hundred Company's rupees; and party falsely mustering himself, or lending or furnishing any horse to be falsely mustered to forfeit two hundred Company's rupees; no certificate to excuse absence, except on ground of soldier being employed on other duty of the regiment, sick, in prison, or on furlough *s.* 32 *ib.*

—— Government may give orders for withholding the whole or any part of the pay of any officer, non-commissioned officer or soldier, for any period during which he may be absent without leave, or if a deserter; no soldier to be entitled to pay, or to reckon service, rewards, pay or pension when in confinement under sentence of any Court, or by reason of arrest for debt, &c. ... ... *s.* 33 509

—— Discharge—soldiers entitled to discharge to be sent to Great Britain or Ireland free of expense, and to receive marching money from the place of landing to the place where enlisted; such soldiers until arrival and debarkation to be subject to this Act, and Articles of War *s.* 34 *ib.*

—— paymasters not to take fees, nor to make any but the usual deductions, according to the regular rule; paymasters withholding from officers or soldiers pay and allowances one month, or refusing to issue them when due according to regulations, to be liable to be discharged, to forfeit eight hundred Company's rupees, and to be liable to such further punishment as Court may award; half fine to informer, who if a soldier may if he shall demand it be discharged from further service; Indian Governments may give orders to withhold pay in cases of absence without leave ... ... *s.* 35 *ib.*

—— Persons unlawfully having or purchasing from any soldier or deserter military stores, &c. to forfeit for every offence any sum not exceeding forty Company's rupees (one moiety to be paid to the informer), together with treble the value of all or any of the articles; warrants may be granted by magistrates to search for such property, as in cases of stolen goods ... ... *s.* 36 51

—— Recruits incapable of active service by reason of infirmity concealed on enlistment, or not declared when attested before a Justice of the Peace, may be transferred into any garrison, or veteran or invalid battalion, or into her Majesty's or the Company's marine forces, and shall be entitled to receive such portion or residue of bounty only as shall be allowed by

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the Company's regulations, in lieu and instead of the bounty upon which such men shall have been enlisted 3 & 4 *V. c.* 37, *s.* 37 510

—— Officers and men after embarkation to be subject to this Act ... *s.* 38 *ib.*

See Annual Mutiny Act, 3 & 4 Vic. *c.* 6, *s.* 32.

—— Offences during passage may be tried and punished after arrival *s.* 39 511

—— Officers and persons serving in the artillery, trains of artillery, department of engineers, corps of engineers, military surveyors or draftsmen, sappers and miners, pioneers, all persons under the ordnance, the medical establishment, licensed sutlers, and their followers to be subject to this Act *s.* 40 *ib.*

—— Officers and soldiers raised or serving in territories of friendly states, if commanded by any officer having a commission immediately from the Government of any of the Company's Presidencies, subject to martial law ... ... *s.* 41 *ib.*

—— Presidency of Fort William, though by law divisible, to be deemed entire for purposes of Mutiny Act and Articles of War ... *s.* 42 *ib.*

—— Effects of deceased officers and soldiers, debts for military clothing, quarters, mess or regimental accounts, servants' wages, household expenses during current month, expenses of illness and of funeral to be deemed and taken to be regimental debts, and paid in preference to other claims—provision for carrying this into effect. Regimental debts may be paid without probate or letters of administration, and the surplus only of arrears of pay or allowances, prize or bounty money, equipage, goods, chattels, &c., to be deemed the personal estate to be administered. Military Secretary may direct Paymaster to distribute surplus when not exceeding five hundred Company's rupees, without probate or administration, and duty free ... ... *s.* 49 & 50 513, 514

—— Effects remitted to agents not deemed assets within the province in which agent resides, so as to render administration necessary. Effects of European officers or soldiers may be remitted to any place where they can be most conveniently paid over ... ... *s.* 51 514

—— Surplus to be paid to executor or legal representative (if in India) of such officer or soldier, or if executor or legal representative shall not be in India, or shall not within twelve months from the death of such officer or soldier, claim the surplus, then amount to be remitted to the Court of Directors, to be paid to executor or legal representative, and such remittance at the end of twelve months to be a discharge to Military Secretary from all actions, suits, and demands in respect of such surplus. Registrars of Supreme Courts not to take out administration to surplus. Court of Directors may distribute remitted surplus if not exceeding £50, without probate, letters of administration, or duty of stamps upon legacies or otherwise ... ... *s.* 52 515

—— Soldier's debts—when troops are serving beyond the jurisdiction of Court of Requests of the Presidency, debts not exceeding four hundred Company's rupees to be cognizable by a Military Court, consisting, if practicable, of five commissioned officers, and in no case less than three. President not to

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be under the rank of captain. Oaths to be taken by members of Court. Witnesses to be examined on oath or solemn declaration. Powers of the Court defined. Pay or half-pay of officers and soldiers may be stopped in liquidation of debt or damage. If not in receipt of pay, and such debtor being a sutler, servant, or follower, to be arrested by order of commanding officer, and imprisoned within military boundaries for two months, if debt not sooner paid 3 & 4 *V. c.* 37, *s.* 54 515

—— Perjury—Persons giving false testimony on oath, or solemn declaration, in any case under this Act, to be subject to penalties of perjury. Commissioned officers to be cashiered. Non-commissioned officers, soldiers, or other persons punished at discretion ... ... *s.* 55 516

—— In actions &c. brought for anything done under this Act, the general issue may be pleaded, and special matter given in evidence. In case of verdict for defendant, nonsuit, or discontinuance of action, treble costs to be allowed. Suits to be brought in Courts of Record at the Presidency, or in Courts of Record at Westminster, Dublin, or Court of Session in Scotland *s.* 56 517

Penalties for procuring desertion to be sued for and recovered in Courts of Record at the Presidency ... ... *s.* 57 *ib.*

—— Act not to affect royal prerogative of mercy ... ... *s.* 58 *ib.*

The following sections of the Annual Mutiny Act are applicable to the forces of the East-India Company:

—— Composition of General Courts-martial in the settlements of the East-India Company ... ... 3 & 4 *V. c.* 6, *s.* 6 482

—— Powers of ... ... *s.* 7 *ib.*

—— Mixture of officers on ... ... *s.* 13 *ib.*

—— Proceedings of ... ... *s.* 15 483

—— Sentence of transportation, period of, in East-Indies ... *s.* 19 *ib.*

—— Fraudulent confession of desertion ... ... *s.* 23 484

—— Forces of East-India Company subject, under certain circumstances, to Act for punishing mutiny and desertion, &c. ... ... *s.* 32 *ib.*

—— Enlisting and swearing recruits; dissent and relief from enlistment; offences connected with enlistment; apprentice enlisting to be liable to serve after expiration of apprenticeship; claims of masters to apprentices, punishment of apprentices enlisting *s.* 36 *to* 39—42 *to* 44 485—489

—— Billetting of troops and supply of carriages *s.* 52 *and* 57 489—491

—— Penalty on unlawful recruiting ... ... *s.* 67 492

—— Duration of Act ... ... *s.* 80 *ib.*

—— Schedules referred to in Act; questions to be put by justices to recruits enlisting; oath to be taken by recruits... ... ... 493—494

(*See* Officers and Servants).

Arson (*see* Malicious Injuries to Property).

Articles of War (*see* Army).

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ASSESSMENT, the power of levying at Madras under 33 G. 3, c. 52, transferred from the Justices in Sessions to the Local Government, who may exempt any district from payment of such assessment
(Act of Government of India, No. 28 of 1836, in Appendix). 616
(See also Justices of the Peace).

ASSIGNMENT OF INTEREST *(see* Stock).

ATTACHMENT *(see* Stock).

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AUCTIONS and AUCTIONEERS, duties on, not to extend to sales by the East-India Company ... ... 17 *G.* 3, *c.* 50, *s.* 11 140
19 *G.* 3, *c.* 56, *s.* 13 *ib.*
43 *G.* 3, *c.* 69, *s.* 4 143
45 *G.* 3, *c.* 30, *s.* 6 145

BALLOT of the General Court upon any question not to take place in less than eight hours after the breaking up of the Court; and to be begun not later than twelve o'clock at noon, nor closed at an earlier hour than six o'clock in the afternoon ... ... 7 *G.* 3, *c.* 49, *s.* 3 23

—— Not to take place in less than twenty-four hours after the adjournment of the General Court in which the question to be ballotted originated ... ... 10 *G.* 3, *c.* 47, *s.* 3 25

—— No Proprietor to vote in respect of stock amounting to less than £1,000, nor until possessed twelve calendar months in his own right, not in trust and free from incumbrance; excepting stock acquired by bequest, marriage, succession, custom of London, or by deed of settlement after the death of any person entitled for life to dividends of stock
13 *G.* 3, *c.* 63, *s.* 3 27

—— Proprietor of £3,000 stock entitled to give two votes; £6,090, three votes; £10,000, four votes ... ... *s.* 4 *ib.*

—— An oath, or affirmation of qualification, according to a prescribed form, to be taken before voting ... ... *s.* 6 28

—— for election of Directors, Proprietors residing in the United Kingdom may vote by letter of attorney; oath or affirmation being made before Justice of the Peace; making false oaths or affirmation, or procuring such to be made, to subject offender to penalties provided against perjury and subornation of perjury ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 27 417
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BANK OF ENGLAND. Governor, Deputy-governor, or Directors ineligible at the same time to be a Director of the East-India Company; and Directors of the Company declared incapable of being elected to those offices at the Bank
9 *A. c.* 7, *s.* 11 17
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—— Servants of the Company may subscribe, and may become managers or directors of such banks ... ... 47 *G.* 3, *sess.* 2, *c.* 68, *s.* 9 151

—— Judges of the several Courts of Justice in India may subscribe, but no Judge of any Court established by Charter from the Crown to be a director or manager ... ... *s.* 9 *&* 10 151

BANKRUPTS, Corporations may prove debts against, by agent, on showing that he is such agent, and is authorized to make proof 6 *G.* 4, *c.* 16, *s.* 46 254

—— Notice of act of bankruptcy to accredited agent to be deemed notice to the Corporation or Company ... ... *s.* 85 255

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BIGAMY (*see* Offences against the Person).

BILLS IN PARLIAMENT (*see* Acts).

BILLS OF EXCHANGE. Company restricted from discounting bills of exchange, or any other bills or notes whatsoever ... ... 9 & 10 *W.* 3, *c.* 44, *s.* 75 15
7 *G.* 1, *c.* 5, *s.* 33 18

—— Acceptance payable at a banker's or other place, deemed a general acceptance; payable at such place only, a qualified acceptance 1 & 2 *G.* 4, *c.* 78, *s.* 1 237

—— No acceptance of inland bill sufficient, unless in writing on the bill, or one of the parts ... ... *s.* 2 *ib.*

—— When bills become due on the day preceding Good Friday or Christmas-day, and are dishonoured, notice thereof is to be given on the day after such Good Friday or Christmas-day ... 7 & 8 *G.* 4, *c.* 15, *s.* 1 275

—— becoming due on fast or thanksgiving days, to be payable on the day next preceding such fast or thanksgiving days ... ... *s.* 2 *ib.*

—— Good Friday, Christmas-day, and fast or thanksgiving days, as regards bills of exchange and promissory notes, to be treated and considered as the Lord's day ... ... *s.* 3 276

—— Act not to extend to Scotland ... ... *s.* 4 *ib.*

—— Bills not accepted on presentment, may be protested in the place where made payable by the drawers ... ... 2 & 3 *W.* 4, *c.* 98 358

—— Accepted for honour, need not be presented to acceptor or referree till day after falling due, and if residence of acceptor or referree be in any other place than where payable, need not be forwarded till day after falling due; if day following be Sunday, Good Friday, Christmas-day, fast or thanksgiving day, presentment or transmission may be delayed one day longer ... ... 6 & 7 *W.* 4, *c.* 58, *s.* 1 *&* 2 463

—— Bills of exchange payable at or within twelve months, not liable to the laws for the prevention of usury ... ... 2 & 3 *V.* *s.* 37, *s.* 1 480

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BOARD OF COMMISSIONERS FOR AFFAIRS OF INDIA to be constituted by Letters Patent or Commission from the Crown ... 33 *G.* 3, *c.* 52, *s.* 2 79

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—— may be constituted by Commission from the Crown under the Great Seal, and all previoos provisions and enactments not repealed, or repugnant to Act 3 & 4 W. 4, c. 85, to be applicable to the Commissioners so nominated ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 19 415

—— The Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the Principal Secretaries of State, and the Chancellor of the Exchequer, to be *ex officio* Commissioners, with the same powers as if expressly nominated in the Commission ... ... *s.* 20 415

—— Two Commissioners may form a Board ... ... *s.* 21 *ib.*

—— First-named Commissioner to be President ... 33 *G.* 3, *c.* 52, *s.* 3 79
3 & 4 *W.* 4, *c.* 85, *s.* 21 415

—— In his absence, Commissioner whose name stands next in the Commission to preside ... ... 33 *G.* 3, *c.* 52, *s.* 3 79

—— Or the Commissioner next in order of nomination of the Act 3 & 4 *W.* 4, *c.* 85, *s.* 21 415

—— President, or Commissioner acting as such, to have the casting vote 33 *G.* 3, *c.* 52, *s.* 4 79
3 & 4 *W.* 4, *c.* 85, *s.* 22 416

—— Commissioners to take oath according to a prescribed form 33 *G.* 3, *c.* 52, *s.* 6 80

—— Appointment of Commissioner not to disqualify from sitting in Parliament, nor appointment of Member of the House of Commons to be Commissioner, without salary, to vacate seat ... 33 *G.* 3, *c.* 52, *s.* 8 81

—— President, but no other Commissioner as such, to receive salary 3 & 4 *W.* 4, *c.* 85, *s.* 23 416

—— Commissioners, secretaries, and servants, on 22nd April, 1834, to continue till appointments revoked ... ... *s.* 26 416

—— Board may appoint such officers as shall be necessary to attend upon them, who shall be subject to dismission at their pleasure; proceedings to be entered in books; salaries to be fixed by the Crown, and, with all contingent charges, to be paid quarterly by the Company; the amount having been previously allowed by the Board and certified by the President or acting President ... ... 33 *G.* 3, *c.* 52, *s.* 5 79

—— To take and subscribe before the Board such oath of secrecy for the execution of the duties of their respective stations as the Board shall direct *s.* 7 80

—— Board may, if at any time they shall deem it expedient, require an oath to be taken by all or any of their officers 3 & 4 *W.* 4, *c.* 85, *s.* 24 416

—— Appointment of secretary not to disqualify from sitting in Parliament, nor appointment of Member of the House of Commons to be secretary to vacate seat ... ... 33 *G.* 3, *c.* 52, *s.* 8 81

—— May appoint two secretaries and other officers; each secretary to have the same power as the chief secretary; who are to be paid by the Company such fixed salaries as his Majesty shall direct 3 & 4 *W.* 4, *c.* 85, *s.* 25 416

—— Proceedings of the Board to be signed by one or other of the secretaries *s.* 30 418

—— The sum to be paid by the Company for the salaries and charges of the Board fixed at £26,000 per annum, exclusive of superannuations 53 *G.* 3, *c.* 155, *s.* 90 185

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—— Amount not to be increased, except for expenses attending the winding-up of the commercial business of the Company 3 & 4 *W.* 4, *c.* 85, *s.* 110 438

—— President to be in the first class of officers specified in Act 57 G. 3, c. 65, intituled, " An Act to enable his Majesty to recompense the Services of Persons holding or having held certain high and efficient Civil Offices," and Chief Secretary of the Board in the fourth class 6 *G.* 4, *c.* 90 266

—— Pension to President not to exceed £2,000 per annum, after a service of not less than two years in the whole, either uninterruptedly or at different times, in any one or more of the offices named 4 & 5 *W.* 4, *c.* 24, *s.* 1 444

—— Pensions to Secretaries to the Board limited to £1,000 per annum, after a service in one or more of the offices named for a period of not less than ten years, either uninterruptedly or at different times 4 & 5 *W.* 4, *c.* 24, *s.* 4 *ib.*

—— Rules with respect to such pensions, and declarations to be made by claimants ... ... *s.* 5 *to* 7 445

—— His Majesty may grant allowances, compensations or superannuations to officers of the Board in conformity with 50 G. 3, c. 117, s. 12, to be paid by the Company ; previous service under the Company to be reckoned in computing period of service ... 53 *G.* 3, *c.* 155, *s.* 91 & 92 186

(The scale is the same as that prescribed for officers and servants of the Company, by the 93rd section of the same Act, page 186).

—— Accounts of superannuations to be laid before Parliament ... *s.* 94 187

—— to have access to the books, papers, &c. of the Company ; to be assisted by the proper officers of the Company in their searches for the same, and furnished with such copies or extracts as may be required 33 *G.* 3, *c.* 52, *s.* 10 81

—— may call for the preparation of all such accounts, statements, and abstracts, relating to the affairs of the Company, as they shall think fit, and which are to be furnished by the Court with all reasonable dispatch 53 *G.* 3, *c.* 155, *s.* 78 179

—— to receive from the Court of Directors copies of minutes of Courts of Proprietors, and of Courts of Directors, within eight days after the holding of such Courts ... ... 33 *G.* 3, *c.* 52, *s.* 11 82
3 & 4 *W.* 4, *c.* 85, *s.* 29 417

—— and copies of letters received from the East-Indies, and other settlements or factories, relating to civil or military government or revenue, immediately after arrival ... ... 33 *G.* 3, *c.* 52, *s.* 11 82

—— and copies of all the letters, &c. which may be material to be communicated, or the Board may require ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 29 417

—— But Court not required to submit for the consideration of the Board, communications with their officers and servants on the Home Establishment, or with the legal advisers of the Company ... ... *s.* 34 419

—— No orders relating to the civil and military government or revenues to be sent to India by Court of Directors, until approved by Board ; copies of proposed orders, &c. to be sent to the Board, and to be returned with approval certified, or if disapproved or varied in substance, with reasons

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in writing; dispatches, as approved, to be forwarded, unless, on representation of Directors, Board shall order any alteration; Directors to be bound by instructions received from time to time from Board 33 *G.* 3, c. 52, *s.* 12 82

—— Proposed despatches to be returned within two months 53 *G.* 3, *c.* 155, *s.* 71 177

—— No orders, &c. relating to territories or government, or property or rights in trust, or any public matters whatever, to be sent until submitted to the Board; copies to be sent to the Board to be returned within two months, with approbation signified, or reasons in writing for disapproval or variation and directions, in either case under the hand of one of the Secretaries; Directors to send orders, &c. in form approved, to proper destination; Board by minutes, from time to time to be entered on record, may allow such classes of orders, &c. as may be described to be sent without being laid before the Board 3 & 4 *W.* 4, *c.* 85, *s.* 30 418

—— to take into consideration representations in writing from Directors in reference to any letters, &c. varied in substance, or disapproved, and to give orders thereupon, which are to be conclusive 33 *G.* 3, *c.* 52, *s.* 13 83

—— Directors not restricted from expressing within fourteen days, by representation in writing, such remarks, &c. as they shall think fit, concerning directions which they shall receive from the Board; Board to take matters into consideration, and give further directions, which shall be final and conclusive ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 32 418

—— Board may prepare and send to Court of Directors, orders to the Government of India, if Court neglect to frame despatches within fourteen days after requisition made, and Court to transmit them, unless upon representation the Board should make alterations ... 33 *G.* 3, *c.* 52, *s.* 15 83
3 & 4 *W.* 4, *c.* 85, *s.* 31 418

—— Time for making such representation by the Court restricted to fourteen days ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 32 *ib.*

—— If the Court deem orders respecting which directions of the Board have been given to be contrary to law, Board and Court may send a special case to be agreed upon, and signed by President and Chairman, to three or more of the Judges of the Court of King's Bench for their opinion, which opinion, being certified to the President and Chairman, shall be final and conclusive ... ... *s.* 33 *ib.*

—— may send orders relating to levying war, or making peace, or treating or negotiating with any of the Native Princes or States of India, to the Secret Committee, who without disclosure shall transmit them as directed; obedience to be paid thereto ... ... 33 *G.* 3, *c.* 52, *s.* 19 84

—— Directions concerning the levying of war, making of peace, or treaties, or negotiations with any Native Princes or States of India, or any other Princes or States, may be sent, through the Secret Committee, to any of the Governments or Presidencies of India, or to any officers or servants of the Company, who shall pay obedience thereto
3 & 4 *W.* 4, *c.* 85, *s.* 36 419
(*See* Secret Committee).

—— to superintend, direct, and control all acts and concerns which in any wise

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relate to or concern the civil or military government or revenues of the territories in the East-Indies ... ... 33 *G.* 3, *c.* 52, *s.* 9 81
3 & 4 *W.* 4, *c.* 85, *s.* 25 416

—— may direct payment of the King's troops sent to India, from the revenues of that country (*see* Army of the Crown.) 28 *G.* 3, *c.* 8, *s.* 1 & 2 75
31 *G.* 3, *c.* 10 77
53 *G.* 3, *c.* 155, *s.* 87 183

—— to control all increase of salaries, establishments, or pensions exceeding £200 per annum ... ... 33 *G.* 3, *c.* 52, *s.* 125 102

—— to control grants of gratuities exceeding £600 53 *G.* 3, *c.* 155, *s.* 88 183
55 *G.* 3, *c.* 64 202

—— to superintend and control sale of commercial and other property under provisions of 3 & 4 *W.* 4, *c.* 85, and appoint officers to attend them during the winding-up of the commercial concerns of the Company. Charges of such officers to be defrayed by the Company, in addition to other charges of the Board ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 6 411

—— Particulars of such charges to be laid before Parliament ... *s.* 8 412

—— to control all Acts, &c. relating to the property, &c. vested in the Company in trust, all grants of salaries, gratuities, and allowances, and all other payments and charges, with certain exceptions ... *s.* 25 416

—— Directors to frame and submit to the Board an estimate of the gross sum annually required for salaries and expenses of the home establishment; if amount reduced, reasons to be given; amount to be applicable at discretion of Directors, and Board not to interfere with or control particulars. Accounts to be kept and rendered as of other branches of Company's expenditure ... ... *s.* 37 420

—— All powers given to Court of Directors to be deemed subject to the control of the Board, except there be something in enactments inconsistent with such construction, and except as to patronage, or right of appointing to office vested in or reserved to the Court ... ... *s.* 109 437

—— to appoint examiners of candidates for admission to the Company's College, and make rules for examinations. Expenses not to exceed £500 in any one year ... ... 7 *W.* 4 & 1 *V.* *c.* 70, *s.* 2 & 3 469, 470

—— Rules to be laid before Parliament within 14 days after the commencement of the session next ensuing ... ... *s.* 7 *ib.*

—— to make rules for government of Company's College, such rules to have no effect till approved by her Majesty by Order in Council; twenty-one days' notice previously to their being submitted to her Majesty to be given to the Court of Directors ... ... 1 & 2 *V.* *c.* 22, *s.* 1 471

—— not to nominate servants of the Company ... 33 *G.* 3, *c.* 52, *s.* 14 83
3 & 4 *W.* 4, *c.* 85, *s.* 34 419

—— not to direct or interfere with the officers and servants of the Company on the home establishment ... ... *s.* 34 *ib.*

—— not to give directions for increasing salaries beyond fixed amount, unless proposed by Court of Directors, and unless amounts, with reasons, be laid before Parliament thirty days before despatch sent 28 *G.* 3, *c.* 8, *s.* 3 75
33 *G.* 3, *c.* 52, *s.* 17 83
3 & 4 *W.* 4, *c.* 85, *s.* 110 438

BOARD, &c.—*continued.*

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—— not to give directions for payment of any extraordinary allowance or gratuity unless proposed by Court of Directors ... 28 *G.* 3, *c.* 8, *s.* 4 76
33 *G.* 3, *c.* 52, *s.* 18 84
3 & 4 *W.* 4, *c.* 85, *s.* 110 438

—— Accounts of increased salaries, allowances and gratuities, proposed by the Court, and approved by the Board, to be laid before Parliament
28 *G.* 3, *c.* 8, *s.* 4 76
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(*See* Governments Subordinate, Courts Supreme, Limits, and Marine.)

BONDS EXECUTED IN THE EAST-INDIES shall be evidence in Great Britain, and contrariwise, on proof of handwriting of parties 26 *G.* 3, *c.* 57, *s.* 38 73

BONDS AND BOND DEBT OF THE COMPANY IN ENGLAND. United Company to borrow money only on the common seal, payable at not less than six months, with restrictions to prevent injury to the Bank of England
9 & 10 *W.* 3, *c.* 44, *s.* 75 15

—— May borrow on the common seal, £1,500,000, to enable them to lend money to the Crown to carry on the war ... 6 *Anne*, *c.* 17, *s.* 2 17

—— Authorized to borrow to an amount not exceeding at any one time the sum due at such time from the public to the Company, or not exceeding £5,000,000 in the whole ... ... 7 *G.* 1, *c.* 5, *s.* 32 18

—— May borrow £1,000,000 in addition to the above £5,000,000, to enable them to raise and pay a like sum for the service of the Crown
17 *G.* 2, *c.* 17, *s.* 8 22

—— Money raised by the sale of annuities to be applied in discharge of the bond debt, and the power of borrowing given by previous Acts of Parliament continued and confirmed ... ... 23 *G.* 2, *c.* 22, *s.* 6 23

—— Debt to be reduced to £1,500,000 ... 13 *G.* 3, *c.* 64, *s.* 13 38

—— Debt reduced to £1,500,000 ... ... 21 *G.* 3, *c.* 65 44

—— Bond debt may be increased to £2,000,000 23 *G.* 3, *c.* 36, *s.* 2 52

—— Bond debt to be again reduced to £1,500,000 23 *G.* 3, *c.* 83, *s.* 8 53
24 *G.* 3, *c.* 34, *s.* 4 59

—— Bonds may be issued to the extent of £1,200,000, in addition to the present bond debt ... ... 28 *G.* 3, *c.* 29 76

—— Debt to be reduced to £1,500,000; but, with the approbation of the Board, may subsequently be increased by a sum not exceeding £500,000
33 *G.* 3, *c.* 47, *s.* 14 & 15 78

—— Company may continue their bond debt of £2,000,000, and borrow, as circumstances may require, a further sum of £1,000,000 34 *G.* 3, *c.* 41 114

—— With consent of Board of Control, interest may be allowed on bonds not exceeding the rate allowed on Exchequer bills issued at the same time
44 *G.* 3, *c.* 3, s. 3 144

—— Permission above not to be construed to restrain Company from allowing at any time legal interest ... ... *s.* 4 145

—— Company authorized to borrow further sum not exceeding £2,000,000
47 *G.* 3, *sess.* 2, *c.* 41, *s.* 1 147

—— Further increase of £2,000,000 authorized 51 *G.* 3, *c.* 64, *s.* 1 161

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—— Bonds to be assignable and transferable by delivery of possession 51 *G.* 3, *c.* 64, *s.* 4 162

—— Commissioners of Treasury may compound with the Company for annual sum of money in lieu of stamp duty on bonds; to be paid half-yearly; payment secured by bond exempt from stamp duty; may be made for any number of years not exceeding five; all bonds of the Company during the term exempted from stamp duty 5 & 6 *W.* 4, *c.* 64, *s.* 4 457

British Subjects residing in the Company's possessions amenable to the Courts of Justice therein; and such who reside in the Company's possessions on the coast of Coromandel, in the Carnatic, in the five Northern Circars, including the parts thereof in Orissa, the dominions of the Soubah of the Deccan, the Nabob of Arcot, or the Rajah of Tanjore, to be subject to the Courts of Oyer, &c., Supreme Court at Madras, &c. 26 *G.* 3, *c.* 57, *s.* 29 & 30 72

—— appointed to collect, manage, control, &c. rents, duties, or revenues, belonging to the Company; to take oath before acting, not to receive any presents, &c., and to render a just account of all monies received. British subjects in the King's or Company's services receiving or demanding presents &c., deemed extortion, and to be punished as a misdemeanor 33 *G.* 3, *c.* 52, *s.* 61 *to* 64 99, 100

—— amenable to Courts of Justice in India and Great Britain, for offences in the territories of Native Princes ... ... *s.* 67 *ib.*

—— not to be concerned in the inland trade in salt, beetle-nut, tobacco, or rice, except on account of or with the Company's permission, on pain of forfeiture of goods and treble the value thereof; one moiety to the Company, and one to party suing ... ... *s.* 137 104

—— residing in places dependant upon the government of Madras and Bombay, amenable to the Recorder's Courts respectively, for all crimes, &c. committed therein, or in the dominions of any Native Princes, &c., in alliance with those governments 37 *G.* 3, *c.* 142, *s.* 10 & 11 121, 122

—— No British subject, either directly or indirectly, to lend any money, or other valuable things, to any Native Prince, nor be concerned in lending any money to any Native Prince, or raising or procuring any for him; nor be security for any such loan of money; nor make any loan to any other person for the purpose of being lent to such Prince, nor directly or indirectly to take bond, or be concerned in any bond, note, or other security or assignment granted by such Prince for his repayment of any money or other valuable thing, without previous consent of the Court of Directors, or of one of the Company's governments in India, in writing. Offenders to be deemed guilty of misdemeanor at law, and may be proceeded against before any Court of competent jurisdiction. All securities to be void ... ... *s.* 28 125

(*See* also Courts of Judicature, Justices of the Peace, Natives of India and Residence).

Brokerage (*see* Sale and Brokerage of Offices).

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—— where wanting, Directors may act as they shall see cause (*Charter.*) 8

—— General Court may make them from time to time ... ... *ib.* *ib.*

—— relating to shipping, if not inconsistent with Act 58 G. 3, c. 88, to remain in force (*see* Shipping) .. ... 58 *G.* 3, *c.* 88, *s.* 15 217

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— 11. Register of bonds and other instruments ... ... *ib.*

— 12. Seal of the Company ... ... *ib.*

Cadets. No more to be sent out than necessary to complete the establishments 33 *G.* 3, *c.* 52, *s.* 59 98

—— Age of Cadets not to be under fifteen or more than twenty-two years; certificate of age under hand of minister of the parish, or keeper of the register of baptisms, to be delivered; if no register can be found, affidavit to be made; but Court may appoint any person who has been one year a commissioned officer in the service of the Crown, or in the militia, or fencibles, and hath been called into actual service, or from the company of Cadets in the royal regiment of artillery, whose age shall not exceed twenty-five years ... ... *s.* 60 *ib.*

Calcutta (*see* Limits).

Capital Punishment. Governor-general in Council not authorized to make laws inflicting death on natural-born European subjects of the Crown, or their children, without previous sanction of Court of Directors 3 & 4 *W.* 4, *c.* 85, *s* 46 422

3 & 4 *V.* *c.* 37, *s.* 46 512

Capital Stock (*see* Stock).

Carnatic. Nabobs of Arcot and Carnatic; claims not to be prejudiced 3 & 4 *W.* 4, *c.* 85, *s.* 18 415

Cash, Company not to keep, for others ... ... 7 *G.* 1, *c.* 5, *s.* 33 18

Cattle, killing or maiming (*see* Malicious Injuries to Property).

Chairman and Deputy Chairman (*see* Directors).

Chaplains of Church of Scotland (*see* Ecclesiastical Establishment).

Charter. Account of those granted to the old East India-Company; *viz.*

1st ... ... 31 Dec. 1600	5th ... ... 9 Aug. 1683	
2d ... ... 31 May, 1609	6th ... ... 12 April, 1686	
3d ... ... 3 April, 1661	7th ... ... 7 Oct. 1693	
4th ... ... 5 Oct. 1667	8th ... ... 13 April, 1698	1

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—— Grant of Charter to the English Company by Wm. 3, dated 5th September, 1698, extracts from ... ... 2—11

—— Charters of Justice for Supreme Courts at Calcutta 539

—— —— ... ... Madras 556

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CHILD STEALING, and CONCEALING BIRTH OF CHILD (*see* Offences against the Person).

CHINA.—From 22nd April, 1834, China and tea trade of Company exclusively with China to cease ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 3 411

Supra cargoes eligible to take and hold office in any presidency in India *s.* 113 438

—— trade with, opened ... ... 3 & 4 *W.* 4, *c.* 93, *s.* 1 & 2 439—440

—— Commission for protecting and promoting trade; establishment of Court of Justice, with criminal and admiralty jurisdiction, for trial of offences committed by his Majesty's subjects; and imposition of tonnage duty on vessels and goods, towards defraying expense of establishments *s.* 5 *to* 8 441

—— Provision with respect to actions ... ... *s.* 9 442

CIVIL SERVICE. Civil servants under rank of members of Council to have precedence according to seniority of appointment, and promotion to be regulated by length of service ... ... 33 *G.* 3, *c.* 52, *s.* 56 97

—— Civil servants having departed from India with leave, who shall be allowed to return to the service after an absence of five years, to take rank and precedence according to seniority at the time of departure only, and on return to be placed immediately below any servant who shall then have passed a greater or the like time in India that the restored servant had passed when he quitted it ... ... 53 *G.* 3, *c.* 155, *s.* 85 182

—— No office exceeding in value £500 per annum to be conferred upon any servant who shall not have been resident three years antecedent to the vacancy; appointments made contrary to provisions to be void 33 *G.* 3, *c.* 52, *s.* 57 97

—— Office exceeding £1,500 may be bestowed after four years;
£3,000 ... ... after seven years;
£4,000 (including Council) after ten years
53 *G.* 3, *c.* 155, *s.* 82 181

—— Governor-general, or Governor in Council, on application in writing from any civil servant desirous of being appointed a member of any Court, Board, or other Establishment, may, by special order, direct that such servant shall take precedence at such Court, Board, or Establishment, according to seniority of appointment thereto, although such precedency may not be according to seniority of appointment in the service of the Company ... ... *s.* 86 182

—— No person to hold two or more offices, the united emoluments of which exceed the amount limited ... ... 33 *G. c.* 52, *s.* 58 98

Civil Service—*continued.*

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—— No more writers to be sent out than necessary to complete the establishment ... ... *s.* 59 98
—— None to be sent out under fifteen years of age ... ... *s.* 60 *ib.*
—— Nor above twenty-three years of age ... 7 *W.* 4 & 1 *V. c.* 70, *s.* 5 470
—— Time spent at Company's Coege in England after seventeen, provided two years at least be passed at College, to be reckoned, as to offices, places, and emoluments, as time spent in India 47 *G.* 3, *sess.* 2, *c.* 68, *s.* 7 150
—— And as to offices not exceeding £1,500 per annum, time not more than two years after seventeen, notwithstanding less than two years may have been spent in the whole ... ... 10 *G.* 4, *c.* 16, *s.* 2 338
—— No person to be appointed a writer except after due entry and residence at the Company's College in England according to the rules, and on production of a certificate from the Principal 53 *G.* 3, *c.* 155, *s.* 46 173
—— Students having resided at Company's College the number of terms prescribed by rules to be framed by the Board, and producing certificate of conformity to rules under the hand of the Principal, may be appointed writers ... ... 1 & 2 *V. c.* 22, *s.* 2 471
—— Civil servants at Canton and Saint Helena capable of taking any office in any presidency or establishment to which they would have been eligible if civil servants of such presidency, during the same time as they may have been in the service of the Company ... 3 & 4 *W.* 4, *c.* 85, *s.* 113 438
—— All writers sent out between 10th April, 1834, and 10th April, 1839, after receiving certificate from Principal of College, to be deemed duly appointed, although not having resided four terms 7 *W.* 4 & 1 *V. c.* 70, *s.* 6 470
(*See also* Officers and Servants).

Clerks and Servants (*see* Larceny).
Coffee (*see* Customs).
Coin. Counterfeiting current coin; felony, transportation for life or term of years, or by imprisonment ... ... 9 *G.* 4, *c.* 74, *s.* 73 324
—— Uttering counterfeit coin; on first and second offence, offender to be imprisoned and find sureties for good behaviour; third offence, transportation for life ... ... *s.* 74 *ib.*
—— Having in possession more than five pieces of counterfeit coin without lawful excuse, punishable with fine or three months' imprisonment *s.* 75 325
(*See also* Act of the Government of India No. 31 of 1839, in connection with the above sections). 644

College, Company's, in England to be continued ... 53 *G.* 3, *c.* 155, *s.* 44 172
—— Bishop of London to exercise visitorial jurisdiction ... ... *s.* 45 173
—— Establishment of officers and appointment of Principal to be subject to approbation of the Board of Control ... ... *s.* 47 174
—— And appointment of professors and teachers 3 & 4 *W.* 4, *c.* 85, *s.* 108 437
—— Principal and professors if beneficed Clergymen, exempted from parochial residence ... ... 53 *G.* 3, *c.* 155, *s.* 48 174

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—— If appointed before passing of Act 1 & 2 Vic. cap. 106, and holding only one benefice ... ... 1 & 2 *V. c.* 106, *s.* 37 474

—— Fourfold system of nomination may be suspended by Court and Board 7 *W.* 4 & 1 *V. c.* 70, *s.* 1 469

—— No person to be admitted a student whose age shall exceed twenty-one years *s.* 5 470

—— Board of Control to appoint examiners of candidates for admission to the College, and to make rules for examinations; expenses not to exceed £500 in one year; rules to be laid before Parliament (*see* Parliament) 7 *W.* 4 & 1 *V. c.* 70, *s.* 2, 3, & 7 469, 470

—— Board of Control to make rules for the government of the College; such rules to have no effect till approved by her Majesty, by order in Council; twenty-one days' notice to be given to the Court of Directors previously to their being submitted to her Majesty. 1 & 2 *V. c.* 22, *s.* 1 471
(*See also* Civil Service and Writers).

Colleges and Seminaries abroad to be under control of the Board of Commissioners ... ... 53 *G.* 3, *c.* 155, *s.* 42 172

Commander-in-Chief of the Forces in India, and Provincial Commanders-in-Chief, to be appointed by the Court of Directors ... 33 *G.* 3, *c.* 52, *s.* 25 86

—— subject to approbation of the Crown ... 53 *G.* 3, *c.* 155, *s.* 80 180

—— Appointment to lapse to the Crown on default ... 33 *G.* 3, *c.* 52, *s.* 26 86
3 & 4 *W.* 4, *c.* 85, *s.* 60 426

(*See* Crown, Directors, Governments of India generally, Governor-general and Council of Fort William, and Governor-general and Council of India).

Commencement of Operation of Acts (*see* Acts).

Commissioners, Board of (*see* Board).

Committees (*see* Directors, Secret Committee, and By Laws).

Company, Account of Charters granted to the Old East-India Company 1

—— The Islands of Bombay and St. Helena granted to them ... ... *ib.*

—— English, trading to the East-Indies, incorporated by Charter from William III. on 5th September, 1698, to have perpetual succession (*Charter*) 2

—— to use a common seal, with power to break, alter, and renew it from time to time; to hold lands, purchase goods, demise land and goods, sue and be sued, &c., and to execute all other acts appertaining to them by 9 & 10 W. 3, c. 44, or otherwise ... ... *ib.* *ib.*

—— to deliver yearly to the Privy Council, in the month of October, an account signed by two or more Directors, of English goods exported in the preceding year, stating places, &c., from whence exported, and attested by the oath of the officer in charge of the books of entry ... *ib.* 3

—— to maintain ministers and provide for Divine service in every garrison or superior factory in India (*see* Ecclesiastical Establishment) *ib.* 4

—— to provide schoolmasters for like places (*see* Schoolmasters) ... *ib.* *ib.*

—— to have twenty-four Directors; which Directors, or thirteen or more of them, shall be called a Court (*see* Directors and General Court) ... *ib.* *ib.*

COMPANY—*continued.*

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—— to have the government of all forts, factories, and plantations settled by or under them in the East-Indies; to appoint and remove at pleasure Governors and officers, who under their direction may raise military forces to defend such forts, &c., the Sovereign right being always reserved (*Charter.*) 10

—— All admirals and other officers of the Crown to be assisting when required *ib.* *ib.*

—— Charter to be construed in the most beneficial sense; and Company to have further reasonable powers and privileges from time to time ... *ib.* 11

—— Union with the old Company under the title of the United Company of Merchants of England trading to the East-Indies... ... *ib.* *ib.*

—— United, to borrow money only on their common seal, and not made payable in less than six months, with restrictions to prevent injury to the Bank 9 & 10 *W.* 3, *c.* 44, *s.* 75 15

—— Restricted from discounting bills of exchange, or any other bills or notes whatsoever ... ... 9 & 10 *W.* 3, *c.* 44, *s.* 75 *ib.*
7 *G.* 1, *c.* 5, *s.* 33 18

—— not to keep any books or cash for others ... ... *ib.* *ib.*

—— may ship stores, &c., free of duties, provided duties do not exceed £300 in one year ... ... 7 *G.* 1, *c.* 21, *s.* 13 18

—— to continue a body politic, with all rights, &c., notwithstanding redemption of annuity ... ... 3 *G.* 2, *c.* 14, *s.* 7 19

—— to have benefit of all Acts or Charters in their favour ... *ib.* *s.* 10 20

—— Corporation not to be determined, nor right to common trade to cease by determination of exclusive trade ... ... *s.* 12 21
33 *G.* 3, *c.* 52, *s.* 74 102

—— not to purchase lands, &c., exceeding £10,000 per annum 3 *G.* 2, *c.* 14, *s.* 14, *and note* 21

—— to retain rights, interests, powers, privileges, and authorities
13 *G.* 3, *c.* 63, *s.* 46 38
19 *G.* 3, *c.* 61, *s.* 6 42
20 *G.* 3, *c.* 56, *s.* 6 44
21 *G.* 3, *c.* 65, *s.* 25 & 39 46
24 *G.* 3, *c.* 25, *s.* 83 59
33 *G.* 3, *c.* 52, *s.* 74 & 123 102
53 *G.* 3, *c.* 155, *s.* 2 & 95 168 & 187

—— to be entitled for ever to all profits, privileges, &c., given by former Acts and not varied ... ... 21 *G.* 3, *c.* 65, *s.* 4 45
33 *G.* 3, *c.* 52, *s.* 72 101

(For various grants in continuation of exclusive trade and territorial Possession and Government, *see* page 15.)

—— to retain the Government of India ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 1 410

—— to hold all real and personal property in trust for the Crown for the service of the Government of India, discharged of all claims on part of the Company, except for the dividend secured ... ... *ib.*

—— to retain privileges, &c., given by 53 G. 3, c. 155, and other Acts *s.* 2 411

COMPANY—*continued.*

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—— But exclusive right of trade with China, and of trading in tea, to cease from 22nd April, 1834 ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 3 411

—— to close their commercial business with all speed after that date, and sell all property not retained for purposes of Government ... *s.* 4 *ib.*

—— at sales of their own goods may sell property of other persons ... *s.* 5 *ib.*

—— Sales to be under the control of the Board (*see* Board).

—— may make compensation to persons affected by discontinuance of trade (*see* Officers and Servants).

—— All the debts and expenses of the Company charged on revenues of India: no liability to attach to future effects of Company, nor to the dividend secured, nor to the Directors and Proprietors ... ... *s.* 9 412

—— But same suits and remedies against the Company to remain, and the property vested in the Company in trust to be subject to judgment and execution ... ... *s.* 10 412

—— Dividends to be paid (*see* Stock).

—— Expenses, (*see* Home Expenses).

—— to be called the East-India Company ... ... *s.* 111 438

—— East-India, enactments compelling them to keep a stock of tea repealed *s.* 114 *ib.*

—— By-laws for the government of the Corporation of the East-India Company, (*see* By-laws).

COMPANY'S FORCES (*see* Army.)

CONTINUING BILLS. When bills for continuing expiring Acts do not pass before Act expires, such Acts shall be continued from expiration 48 *G.* 3, *c.* 106 151

CONVICTS (*see* Criminal Justice—Transportation).

CORONERS may be appointed by Governor-general in Council and Governors in Council, and removed by same authority. Coroners to take oaths and to have reasonable fees and allowances ... 33 *G.* 3, *e.* 52, *s.* 157 111

—— Authority and duty of, upon inquisitions for manslaughter or murder ... ... 9 *G.* 4, *c.* 74, *s* 5 309

—— may be fined for offending ... ... *s.* 6 *ib.*

CORPORATIONS HOLDING STOCK may vote in respect thereof at elections for Directors, and in all General Courts by Deputy under seal ... (*Charter*) 5

—— Deputy to make oath, such oath to be administered by two or more Directors of the Company, ... *ib.* 6

—— Council. (*See* Civil Service, Directors, Governments India generally, Governor-general and Council of Fort William, Governor-general and Council of India, Governments subordinate, Salaries).

COURT OF DIRECTORS (*see* Directors).

COURT OF EXCHEQUER (*see* Stock).

COURT OF EQUITY (*see* Stock).

COURT GENERAL (*see* General Court).

COURT FOR RELIEF OF INSOLVENT DEBTORS (*see* Insolvent Debtors in India).

COURT OF JUDICATURE for the trial of offences committed in India. (*see* Parliament)
also 13 *G.* 3, *c.* 63, *s.* 42 & 43 37
24 *G.* 3, *c.* 25, *s.* 64 to 67 & 73 *to* 82 54 *to* 58
26 *G.* 3, *c.* 57, *s.* 1 *to* 28 60 *to* 71

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COURT OF JUDICATURE AT FORT ST. GEORGE to have jurisdiction over all British subjects residing in certain places ... 26 *G.* 3, *c.* 57, *s.* 30 72

COURT OF KING'S BENCH. Governors, &c., of plantations guilty of oppression, crimes, and offences towards British subjects may be tried in that Court, or by a commission, and punished as for like offences committed at home ... ... 11 & 12 *W.* 3, *c.* 12 16

—— Company's servants (Civil and Military) may be tried and punished in like manner ... ... 10 *G.* 3, *c.* 47, *s* 4, 5, *&* 7 25

—— Manner of proceeding in, for prosecution of persons accused of extortion, or other misdemeanors in India ... 24 *G.* 3, *c.* 25, *s.* 64, 65 54
26 *G.* 3, *c.* 57, *s.* 15 *to* 26 66 to 70

—— may try offences committed by persons employed in any public service abroad ... ... 42 *G.* 3, *c.* 85, *s.* 1 140

—— may issue mandamus for examination of witnesses (*see* Mandamus).

COURTS MARTIAL (*see* Army).

—— Composition of marine general Courts-martial in Company's settlements, proceedings of Courts-martial, duration of Act 3 *&* 4 *V. c.* 8, *s.* 6, 8, 67 495

COURTS, MAYOR'S (*see* Court Supreme).

COURTS OF OYER AND TERMINER, and Gaol Delivery, and Courts of General or Quarter Sessions in any British settlements in India. All persons to be amenable to, for offences committed against any person in any part of Asia, Africa, and America, beyond the Cape of Good Hope to the Straits of Magellan ... ... 26 *G.* 3, *c.* 57, *s.* 29 72

COURT OF REQUESTS, jurisdiction of, extended to eighty rupees 37 *G.* 3, *c.* 142, *s.* 30 125

—— Constitution, rules, forms of processes, &c., may be altered and reformed, and jurisdiction extended to amount not exceeding four hundred sicca rupees of local government ... 39 & 40 *G.* 3, *c.* 79, *s.* 17 137

COURT OF SUDDER DEWANNY ADAWLUT, and Nizamut Adawlut, or other provincial Courts exercising highest jurisdiction, may execute process of arrest within towns of Calcutta, Madras, and Bombay, to be accompanied by translations thereof, or of substance to be signed by one of the Judges of the Court ... ... 53 *G.* 3, *c.* 155, *s.* 113 197

—— from 1st June, 1836, all persons amenable to, in civil proceedings.
Acts of Government of India, No. 11 *of* 1836, *and No.* 3 *of* 1839, *in Appendix.*

COURT. RECORDER'S, OF FORT ST. GEORGE AND BOMBAY.
(The power of these Courts have been transferred to the Supreme Courts at those Presidencies).

—— Competent to hear and determine all complaints against his Majesty's subjects for crimes, misdemeanors, &c., and all suits and actions against any of his Majesty's subjects, arising in territories subject to governments of Madras and Bombay respectively, or within the territories of Native Princes in alliance with those governments, or against any person who at the time debt or cause of action shall have arisen, shall have been directly or indirectly in the service of the Company, or of any of his Majesty's subjects; but not competent to try any indictment or information against Governor or Member of Council, not being for treason or felony ... ... 37 *G.* 3, *c.* 142, *s.* 10 121

Court, Recorder's, &c.—*continued.*

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—— To try all suits which by authority of Parliament may be tried in Mayors' Courts, or Courts of Oyer and Terminer; Governor, Member of Council, or Recorder, not liable to be arrested or imprisoned; Courts not competent to entertain any action or suit against Governor or Council for acts done in public capacity, nor in any matter of revenue; no person to become subject to jurisdiction of Courts, by being a landowner, landholder, farmer, or receiving an income from land, or becoming security for payment of rent, nor any person employed by Company or Governor and Council, or deriving authority under them, in any matter of inheritance or succession, or matter of dealing or contract between parties, except in actions for wrong or trespass only 37 *G.* 3, *c.* 142, *s.* 11 122

—— Rights of fathers and masters of families to be preserved according to Gentoo and Mahomedan law; acts done in consequence of law of caste not to be deemed crimes ... ... *s.* 12 123

—— May determine all suits according to Charter; but inheritance and succession, and all matters of contract and dealing, to be determined between Mahometans by Mahometan law, and between Gentoos by Gentoo law; where one party only shall be a Mahometan or Gentoo, determination to be by laws of defendant; Courts to make laws and frame process consonant to religion, manners, laws, and usages of natives, and easy attainment of the ends of justice; means to be adopted for compelling attendance of witnesses and taking examinations consistent with laws and usages, and so that justice may be attained with ease and little expense *s.* 13 *ib.*

—— No action for wrong or injury to be brought against any Judicial Officer of County Court for any judgment, order, or decree of such Court, nor against any person for acting in virtue thereof; any information against such officer to be brought and proceeded with in manner directed in Acts relating to Supreme Court of Fort William (*which see*) *s.* 14 *ib.*

—— Registry of natives to be kept in all respects corresponding with that of Supreme Court of Fort William (*which see*, *also* Natives) *s.* 15 124

—— Appeal may lie to Crown in Council, under conditions to be prescribed in the Charter (*see* Appeals) ... ... *s.* 16 *ib.*

—— Records of Mayors' Courts, and Courts of Oyer and Terminer, to be given up to Recorder's Court ... ... *s.* 17 *ib.*

—— Civil, Criminal, and Ecclesiastical jurisdiction of Mayors' Courts, and appellant jurisdiction of President and Council over Court of Oyer and Terminer, to cease on granting Charters, and be transferred to Recorder's Courts ... ... *s.* 18 *ib.*

—— All new forms of processes and rules to be transmitted to the President of the Board of Control, for the approbation of the Crown; processes to be used and rules observed till repealed or varied ... *s.* 27 *ib.*

—— Administration of effects of persons dying intestate (*see* Administration).

—— Admiralty (*see* Admiralty).

—— Insolvent Debtors (*see* Insolvent Debtors).

Courts, Supreme, and other Courts in India established by Royal Charter—Advocate-

Court, Supreme, &c.—*continued.*

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general, or other principal law officer of the Company, may exhibit information in relation to revenue against persons subject to jurisdiction of Court; proceedings to be had as in case of information by Attorney-general in Court of Exchequer in England; fines and penalties to go to the Company ... ... 53 *G.* 3, *c.* 155, *s.* 100 189

—— King's Courts within the presidencies exercising criminal jurisdiction, to hold sessions four times in the year for taking cognizance of all matters, returns, and pleas of the Crown ... ... *s.* 102 191

—— Advocate-general, or other principal law officer, in all cases of misdemeanor alleged to have been committed by a British subject at a distance of one hundred miles from the presidency, may file an information *ex-officio* in the King's Court of the presidency, and proceed as in cases of information filed *ex-officio* by Attorney-general in Court of King's Bench in England ... ... *s.* 103 *ib.*

—— Courts at presidencies exercising Admiralty jurisdiction to take cognizance of all crimes perpetrated on the High Seas ... ... *s.* 110 196

—— Advocate-general, or other principal law officer, may take proceedings in law or equity in respect of claims of the Crown ... ... *s.* 111 *ib.*

—— to have criminal jurisdiction over servants of the Crown, in same manner as over servants of the Company ... ... 9 *G.* 4, *c.* 74, *s.* 127 337

—— may admit barristers, advocates, and attornies without licence from the Company; admission to practice as an advocate in the principal Courts of Scotland a qualification for admission at Courts in India 3 & 4 *W.* 4, *c.* 85, *s.* 115 438

—— Rules of pleading made by Supreme Courts of Fort William and Madras confirmed; Supreme Courts at three presidencies may pass other rules subject to confirmation of Governor-general in Council, and to be allowed or rescinded by her Majesty in Council; no such rule to deprive any person of the power of pleading the general issue, and giving special matter in evidence in any case where now or hereafter authorized by Act of Parliament; rights, &c. of Supreme Court not to be affected 2 & 3 *V.* *c.* 34, *s.* 1 to 3 479, 480

Court, Supreme, of Fort William, to be created by Royal Charter, to consist of a Chief Justice and three Puisne Judges (by 37 Geo. 3, cap. 142, sec. 1, the Court is to consist of a Chief Justice and two Judges) being barristers in England or Ireland of not less than five years standing, to be named by the King ... ... 13 *G.* 3. *c.* 63, *s.* 13 29

—— to have full authority to exercise and perform all civil, criminal, Admiralty, and Ecclesiastical jurisdiction ... ... *ib.* 3

—— to appoint such clerks and other ministerial officers of the Court, with such reasonable salaries as shall be approved by the Governor-general in Council ... ... *ib.* *ib.*

—— to form and establish rules of practice and process ... ... *ib.* *ib.*

—— to be a Court of Record, Oyer and Terminer, and Gaol Delivery for Calcutta and Fort William, and the limits and factories subordinate thereto *ib.* *ib.*

Court, Supreme, &c.—*continued.*

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—— Jurisdiction to extend to all British subjects who shall reside in Bengal, Bahar, and Orissa ... ... 13 *G.* 3, *c.* 63, *s.* 14 30

—— authorized to hear and determine all complaints for crimes, &c. against his Majesty's subjects, and also suits and actions between them *ib.* *ib*

—— not to hear and determine any indictment or information against the Governor-general, or Member of Council, for any offence (not being treason or felony) ... ... *s.* 15 *ib.*

—— may hear and determine suits between his Majesty's subjects and inhabitants of India resident in Bengal, Bahar, and Orissa, where cause of action shall exceed five hundred rupees, and where inhabitants have agreed in contract that suit shall be determined by the Supreme Court *s.* 16 *ib.*

—— Suits may originate in it, or be brought before it by appeal from the Provincial Courts ... ... *ib.* 31

—— Governor-general, Members of Council, and Chief Justice and Judges of the Supreme Court for the time being not to be arrested or imprisoned under its authority ... ... *s.* 17 *ib.*

—— Appeal may be made to his Majesty in Council from the judgment of the Court, under conditions to be prescribed in Charter (*see also* Appeals) *s.* 18 *ib.*

—— Charter of Mayor's Court rescinded, and Records, &c. to be delivered to and preserved in the Supreme Court ... ... *ss.* 19 & 20 *ib.*

—— Salary of Chief Justice £8,000 per annum, and to each of the Judges, £6,000 per annum; payable out of the territorial acquisitions in Bengal, Bahar, and Orissa ... ... *s.* 21 *ib.*

—— Chief Justice and Judges restricted from taking fees, presents, perquisites, emoluments, or advantages, beyond salaries and allowances s. 22 & 23 32

—— Proceedings under usury laws, and compounding of actions under (*see* Interest) ... ... *s.* 30 & 31 33

—— Prosecution of servants of the Company for breach of trust, embezzlement, or fraud (*see* Officers and Servants of the Company) ... *s.* 33 *ib.*

—— Offences and misdemeanors laid in Supreme Court to be tried by a Jury (*see* Jury) ... ... *s.* 34 34

—— Governor-general and Council not subject to jurisdiction of the Supreme Court, jointly or severally, for acts or orders done in their public capacity ... ... 21 *G.* 3, *c.* 70, *s.* 1 47

—— Persons impleaded for acts done by order of the Governor-general and Council may plead general issue, and give the order in evidence; which, with proofs that acts were done according to purport of order, shall be justification ... ... *s.* 2 *ib.*

—— To retain competent jurisdiction as to British subjects ... *s.* 3 48

—— Governor-general and Council, and others acting under their orders, to remain liable to proceedings in any competent Court in Great Britain: and upon complaint made in writing upon oath, and security given by bond with some responsible person, jointly and severally to the Company, to prosecute complaint in Great Britain, within two years of

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making the same, or on return of complaining parties to Great Britain; copies of orders to be produced in Supreme Court and there authenticated, and witnesses to be examined; and the parties to have the same remedies, and the Supreme Courts same powers as are provided in 13 G. 3, c. 63 ... ... 21 *G.* 3, *c.* 70, *s.* 4 & 5 48

—— Authenticated copies of orders and depositions to be received in all Courts of Law or Equity at Westminster ... ... *s.* 6 *ib.*

—— not to have any jurisdiction in any matter concerning the revenue *s.* 8 49

—— No person to be subject thereto on account of his being a landowner, landholder, or farmer, within Bengal, Bahar or Orissa, or receiving share of profit, or rent of land, or exercising local authority, or being security for payment of rent ... ... *s.* 9 *ib.*

—— No person, by reason of being employed by the Company, or by the Governor-general and Council, or by any person deriving authority from them, or by a Native or descendant of a Native of Great Britain, to become subject to Supreme Court in any matter of inheritance, or succession to lands or goods, or of dealing or contract, except in actions for wrongs, or trespasses, or in any civil suit by agreement of parties in writing *s.* 10 49

—— Names of Natives employed by the Company in any judicial office, or as principal Native officer of any district in collection of revenue, &c. to be entered in books, one copy of which to remain in provincial office, and the other to be registered in the Supreme Court; new appointments and vacancies of office to be registered within three months *s.* 11 *ib.*

—— Deaths and removals of judicial officers to be registered in a book to be kept as above ... ... *s.* 12 *ib.*

—— British subjects to enter names of Native stewards, agents, or partners within three months, and also all changes; penalty for neglect if in Company's service £500, if not in such service £100; no Native entitled to any fee or salary except from date of registry; British European subjects engaging in trade with unregistered Native partners not to be entitled to recover any money on joint concern, nor compel an account by any suit in law or equity; and any one prosecuting to conviction a British subject, having unregistered agent or partner, to recover the whole of the salary engaged for, and be entitled to amount of British subject's share of profit in partnership ... *s.* 13 to 16 50

—— to have full power to hear and determine all actions and suits against Inhabitants of Calcutta, determining in case of Mahomedans and Gentoos by their respective laws and customs; and where a party is a Mahomedan and the other Gentoo, by the laws and usages of the defendant *s.* 17 *ib.*

—— to respect rights and authorities of fathers and masters of families; acts done in consequence of the rule and law of caste respecting members of families only, not to be adjudged crimes ... ... *s.* 18 51

—— to frame process and make rules and orders for the execution thereof, which are to be transmitted for the approval of the Crown; previous rules and orders to be in operation until repealed or varied *s.* 19 & 20 *ib.*

Court, Supreme, &c.—*continued.*

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—— No action for wrong or injuries to lie against judicial officer in country Courts for any judgment, decree, or order of Court, nor against any person for any act done in virtue thereof ... ... 21 *G.* 3, *c.* 70, *s.* 24 52

—— No rule or other process to be made or issued against such judicial officer or magistrate for any corrupt act without one month's notice within fifty miles of Calcutta, two months' beyond fifty, and three months' beyond one hundred miles ... ... *s.* 25 *ib.*

—— No magistrate liable, in such case, to arrest, nor to put in bail, until he shall have declined to answer, notice and service of process, by himself or attorney ... ... *s.* 26 *ib.*

—— Transcripts of estreats of recognizances or fines, in cases of persons prosecuted for offences in India, may be transmitted by Court of Exchequer in England to be filed and recorded in Courts in India, and process may thereupon issue against lands or goods in India 26 *G.* 3, *c.* 57, *s.* 27 70

—— Power and authority given by Charter of Justice to extend to the high seas 33 *G.* 3, *c.* 52, *s.* 156 110

—— to consist of a Chief Justice and two Puisne Judges 37 *G.* 3, *c.* 142, *s.* 1 119

—— Retiring pensions of Judges (*see* Pensions).

—— Salaries (*see* Salaries).

—— where value of matter in dispute does not exceed one thousand pagodas, may direct deposition of witnesses to be reduced to writing or not *s.* 4 120

—— 10,000 rupees fixed as the minimum for which an appeal will lie to the Privy Council from any Court in India ... ... *ib.*

—— Jurisdiction of, extended to Benares, and to all provinces and districts thereafter to be annexed to the Presidency of Fort William 39 & 40 *G.* 3, *c.* 79, *s.* 20 138

—— Administration of effects of persons dying intestate *s.* 21 & 22 138—139 (*See* Administration).

—— Appeals to Privy Council (*see* Appeals).

—— Insolvent Debtors (*see* Insolvent Debtors).

—— Admiralty Jurisdiction (*see* Admiralty).

—— Letters Patent from the Crown dated 26th March, 1774, establishing a Supreme Court 539

Court, Supreme of Madras may be established by Charter, to consist of like number of persons with that of Fort William, to have civil, criminal, admiralty, and ecclesiastical jurisdiction, to be invested with such powers, and subject to the same limitations, within territories subject to Presidency of Madras, as Supreme Court of Fort William within that Fort, and provinces of Bengal, Bahar, and Orissa 39 & 40 *G.* 3, *c.* 79, *s.* 2 134

—— Powers confirmed ... ... 4 *G.* 4, *c.* 71, *s.* 17 244

—— Governor and Council of Madras, and Governor-general of Fort William, to enjoy same exemption from authority of Supreme Court as enjoyed by Governor-general and Council of Fort William 39 & 40 *G.* 3, *c.* 79, *s.* 3 135

—— Records of Mayor's Court, of Court of Oyer and Terminer, and of any

Court, Supreme, &c.—*continued.*

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new Courts subsequently erected, to be delivered over to Supreme Court ... ... 39 & 40 *G.* 3, *c* 79 *s.* 4 135

—— So much of Charter of Geo. 3, as relates to appointment of a Recorder, &c. to be void, and all powers and authorities granted by 37 G. 3, c. 142, to Recorder's Court to cease with respect to that Court, but to be exercised by Supreme Court in manner and extent directed ... *s.* 5 *ib.*

—— Salaries to be in lieu of all perquisites, (*see* Salaries). ... *s.* 7 *ib.*

Passage money to Chief Justice if resident in the United Kingdom at the time of his appointment, £1,200

—— to Puisne Judge £1,000 ... 53 *G.* 3, *c.* 155, *s.* 89 185

—— Retiring Pensions of Judges (*see* Pensions).

—— Administration of effects of persons dying intestate (*see* Administration.)

—— nsolvent Debtors (*see* Insolvent Debtors).

—— Admiralty (*see* Admiralty).

—— Ceded territories situate on the coast of Coromandel, or in the northern Circars to be subject to its jurisdiction ... 6 *G.* 4, *c.* 85, *s.* 20 265

—— Letters Patent from the Crown, dated the 26th December, 1800, establishing Supreme Court 556

Court, Supreme of Bombay to be established, to consist of such and the like number of persons as the Supreme Court of Fort William; to be named by the Crown, with the like civil, criminal, admiralty, and ecclesiastical jurisdiction both as to Natives and British subjects, with such powers, authorities, privileges and immunities, and subject to the same limitations restrictions, and control, as the Supreme Court at Fort William; Governor and Council of Bombay to enjoy such exemption from its authority as Governor-general and Council from authority of Supreme Court at Fort William ... 4 *G.* 4, *c.* 71, *s.* 7 *to* 17 242—244

—— Records of Courts previously existing to be delivered over to Supreme Court ... ... *s.* 8 243

—— So much Charter of Geo. 3, as relates to appointment of a Recorder, &c., to be void, and all powers and authorities granted by 37 G. 3, c. 142, to Recorder's Court to cease with respect to that Court, but to be exercised by Supreme Court, in manner and extent directed ... *s.* 9 243

—— Salaries of Judges to be in lieu of all fees (*see* Salaries) ... *s.* 11 *ib.*

—— And to cease on leaving India ... ... *s.* 13 244

—— Passage money to Chief Justice, if resident in United Kingdom at time of appointment, £1,200

—— to Puisne Judge, £1,000 ... ... *s.* 12 243

—— Retiring Pension of Judges (*see* Pensions).

—— Administration of effects of persons dying intestate (*see* Administration).

—— Insolvent Debtors (*see* Insolvent Debtors).

—— Admiralty (*see* Admiralty).

—— Letters Patent from the Crown, dated the 8th December, 1833, establishing Supreme Court 569

Court of Judicature at Prince of Wales' Island, Singapore, and Malacca.

—— Passage money to Recorder £1,000 ... 53 *G.* 3, *c.* 155, *s.* 89 185

Court of Judicature, &c.—*continued.*

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—— Pension to Recorder not to be granted until after five years' residence 66 *G.* 4, *c.* 85, *s.* 7 262

—— No larger pension than £500 per annum to be granted to Recorder unless he shall have resided in India as such for seven years, nor if he shall have so resided for seven years, any larger sum than £650 per annum, unless he shall have resided in India as Recorder for ten years, nor if he shall have so resided for ten years any larger allowance than £1,000 per annum ... ... *s.* 13 263

—— Time of Recorder appointed Chief Justice or Judge in Supreme Courts in India to be reckoned at a certain rate ... ... *s.* 14 *ib.*

—— Provision for administration of Justice at Singapore and Malacca *s.* 19 264

—— Admiralty jurisdiction as exercised by Supreme Court at Fort William may be extended to his Majesty's Court of Judicature of Prince of Wales' Island, &c.; warrants for Letters Patent to be countersigned by President of Board of Control ... 6 & 7 *W.* 4, *c.* 53, *s.* 1 & 2 462

—— Letters Patent from the Crown, dated the 27th November, 1826 establishing Recorder's Court ... 570

Criminal Justice in India. Act to come into operation from the 1st March, 1829 9 *G.* 4, *c.* 74, *s.* 1 308

—— Duties of Justices of the Peace with respect to admitting to bail, or committal of persons charged with felony ... ... *s.* 2 to 3 308, 309

—— On charges of misdemeanor ... ... *s.* 4 & 40 309, 316

—— Duties of Coroner on inquisitions taken before him for manslaughter, or murder, or as accessory to murder before the fact .. ... *s.* 5 309

—— Penalty on Justices and Coroners offending ... ... *s.* 6 *ib.*

—— Duties of Justices in regard to summary proceedings *s.* 41 & 50 317, 319

—— Accessory before the fact may be tried as such, or as a substantive felon, by any Court having jurisdiction to try the principal felon, although offence be committed on the seas, or abroad; if the offence be committed in different places, accessory may be tried in any of the King's Courts in India having jurisdiction ... ... *s.* 7 310

—— Accessory after the fact may be tried by any Court which has jurisdiction to try the principal felon; if offence be committed in different places, accessory may be tried in King's Courts in India having jurisdiction *s.* 8 *ib.*

—— Accessory, either before or after the fact, may be prosecuted after conviction of principal, though the principal be not attainted ... *s.* 9 *ib.*

—— In indictments for offences on the property of partners, it may be laid in any one partner by name, and others ... ... *s.* 10 311

—— Indictment not to abate by plea of misnomer ... ... *s.* 11 *ib.*

—— What defects shall not vitiate an indictment, after verdict or otherwise *s.* 12 *ib.*

—— What shall not be sufficient to stay or reverse judgment after verdict *s.* 13 *ib.*

—— Plea of not guilty by party arraigned upon indictment for treason, felony, or piracy, shall put prisoner on his trial by jury ... *s.* 14 *ib.*

—— If he refuse to plead, Court may order plea of not guilty to be entered *s.* 15 312

—— Every peremptory challenge beyond legal number to be void, and trial to proceed as if no such challenge had been made ... ... *s.* 16 *ib.*

CRIMINAL JUSTICE, &c.—*continued.*

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—— No plea setting forth any attainder shall be pleaded in bar of indictment, unless offence stated in plea be substantially the same as that in indictment ... ... 9 *G.* 4, *c.* 74, *s.* 17 312

—— Jury not to inquire concerning prisoner's lands, tenements, or goods, nor whether he fled for such treason or felony ... ... *s.* 18 *ib.*

—— Benefit of Clergy with respect to persons convicted of felony abolished *s.* 19 *ib.*

—— No person to suffer death, unless for some felony, excluded from benefit of Clergy before day fixed for Act coming into operation, or which shall be made punishable with death by this Act or some other afterwards passed *s.* 20 *ib.*

—— Felonies, not capital, to be punished under the Acts, if any, relating thereto, otherwise under this Act ... ... *s.* 21 *ib.*

—— Court may order hard labour or solitary confinement, as part of sentence of imprisonment ... ... *s.* 22 *ib.*

—— If a person under sentence for another crime is convicted of felony, Court may pass a second sentence, to commence after the expiration of the first *s.* 23 313

—— Punishment and form of indictment for a subsequent felony; what sufficient proof of first conviction; punishment for signing or altering false certificate of conviction ... ... *s.* 24 *ib.*

—— Admiralty offences upon every first and subsequent conviction, subject to same punishment, whether of death or otherwise, as if committed on land *s.* 25 *ib.*

—— Rule for interpreting all criminal Statutes ... ... *s.* 26 *ib.*

—— Court may abstain from pronouncing sentence of death on persons convicted of any felonies, except murder, if of opinion that the case does not require that judgment should be pronounced, but that offender should be recommended to the royal mercy, or be transported ... ... *s.* 27 314
(*See also* Act of Government of India, No VII. of 1837, in Appendix).

—— Record of Judgment to have same effect as if actually pronounced in open Court, and offender reprieved ... ... *s.* 28 *ib.*

—— Court may order capital offenders to be transported, instead of being left for execution ... ... *s.* 29 *ib.*

—— Governor in Council or other officer to take order for due performance of sentence of transportation; but no Native of India to be transported to Eastern Coast of New South Wales, or any of the Islands adjacent thereto ... ... *s.* 30 *ib.*

—— Persons returning from transportation into Company's territories or the United Kingdom before the end of term, liable on conviction, to be punished as a person attainted of felony, and to suffer death accordingly; Crown may extend mercy ... ... *s.* 31 *ib.*

—— Party whose name is forged to any deed, writing, or instrument, &c., shall be a competent witness in support of prosecution, notwithstanding he may have an interest in such deed, &c. ... ... *s.* 32 315

—— Effect of free or conditional pardon on a convict ... ... *s.* 33 *ib.*
(*See also* Act of Government of India, No. VII. of 1837, in Appendix).

CRIMINAL JUSTICE, &c.—*continued.*

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—— Punishment for felony, after endured, to be equivalent to pardon under the Great Seal ... ... 9 *G.* 4, *c.* 74, *s.* 34 315

—— No misdemeanor (except perjury or subornation of perjury) shall render a party an incompetent witness after punishment ... ... *s.* 35 *ib.*
(*See also* Act of Government of India, No. XIX. of 1837, in Appendix).

—— Affirmations of Quakers or Moravians to be admitted in all cases instead of oath; Natives objecting to oath on ground of religious scruple, to make affirmation or declaration; persons required to take oath on Holy Evangelists, in order to sit as Members of any Court, or for any other purpose, may be sworn according to forms of their respective religions *s.* 36 & 37 315, 316

—— In felonies, principals in the second degree and accessories before the fact, and accessories after the fact, (except receivers), may be imprisoned two years; in misdemeanors, aiders punishable as principals ... *s.* 38 316

—— Aiders to offences punishable on summary convictions, punishable as principals ... ... *s.* 39 *ib.*

—— Apprehension of offenders caught in the fact; Justices may grant search warrants ... ... *s.* 40 *ib.*

—— Supreme Courts may apply fines towards reasonable costs of prosecuting offences, or of compensating prosecutors, upon motion in open Court; but not to prevent Justices of the Peace from making such allowances for costs and compensation to prosecutors as before this Act they might lawfully have done ... ... *s.* 52 319
(*See* also Coin, Larceny, Malicious Injuries to Property, Offences against the Person.—Acts of Government of India, No. XXXI. of 1838, in Appendix).

CROWN, sovereign right, power, and dominion over forts, factories, and plantations in East-Indies, &c., reserved to ... ... (*Charter*). 10

—— rights reserved ... ... 19 *G.* 3, *c.* 61, *s.* 6 42
20 *G.* 3, *c.* 56, *s.* 6 44
21 *G.* 3, *c.* 65, *s.* 39 46
33 *G.* 3, *c.* 52, *s.* 123 10
53 *G.* 3, *c.* 155, *s.* 95 187

—— may by Charter or Letters Patent establish a Supreme Court of Judicature at Calcutta ... ... 13 *G.* 3, *c.* 63, *s.* 13 29
—— —— at Madras ... ... 39 & 40 *G.* 3, *c.* 79, *s.* 2 134
—— —— at Bombay ... ... 4 *G.* 4, *c.* 71, *s.* 7 242

—— may by Letters Patent under the great seal, or in any other lawful manner, make provision for the administration of Justice in Civil, Criminal, Ecclesiastical, and Admiralty matters, at Singapore and Malacca 6 *G.* 4, *c.* 85, *s.* 19 264

—— The process for trials between Natives, framed by Supreme Court, and rules for Provincial Courts framed by Governor-general, &c., to be approved by the Crown ... ... 21 *G.* 3, *c.* 70, *s.* 19, 20 & 23 51

—— Rules established by Supreme Courts in India with respect to qualification,

Crown—*continued.*

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appointment, &c., of jurors, to be laid before his Majesty for approval 7 *G.* 4, *c.* 37, *s.* 2 272

(*See* Courts of Judicature.)

—— may by Letter Patent or a Commission appoint a Board of Commissioners for the Affairs of India ... ... 33 *G.* 3, *c.* 52, *s.* 2 79

—— may constitute the Board by Commission under the great seal, and all previous provisions and enactments not repealed, or repugnant to 3 & 4 W. 4, c. 85, to be applicable to the Commissioners so nominated 3 & 4 *W.* 4, *c.* 85, *s.* 19 415

(*See* Board of Commissioners.)

—— may by Letters Patent establish one Bishopric for the whole of the British territories in the East-Indies; and one Archdeaconry for each of the Presidencies of Bengal, Madras and Bombay 53 *G.* 3, *c.* 155, *s.* 49 174

—— may also erect Bishoprics of Madras and Bombay 3 & 4 *W.* 4, *c.* 85, *s.* 89 433

(*See* Ecclesiastical Establishment).

—— Approval of the Crown required to the appointment of Governor-general, Governors, Commanders-in-Chief, and the fourth ordinary Member of the Council of India ... ... 53 *G.* 3, *c.* 155, *s.* 80, 180

3 & 4 *W.* *c.* 85, *s.* 40, 42, 58 & 75 421, 425, 430

—— Provisional appointment to the offices of Governor-general, Governor of a Presidency, and fourth ordinary Member of Council of India, to be subject to approval of the Crown ... 3 & 4 *W.* 4, *c.* 85, *s.* 61 426

—— If the Court of Directors neglect to appoint to vacancies in India for two months after receiving notification thereof, the King may appoint, and the party so appointed shall be subject to recal only by his Majesty 33 *G.* 3, *c.* 52, *s.* 26 86

3 & 4 *W.* 4, *c.* 85, *s.* 60 426

—— His Majesty, by sign manual, countersigned by the President of the Board, may remove or recal persons in India; and vacate or make void any appointments or commissions there; such appointments, &c. to cease at the time expressed in the said writing; a duplicate of the instrument for removal, attested by the President of the Board, to be delivered to the Chairs within eight days after the signature thereof 33 *G.* 3, *c.* 52, *s.* 35 89

3 & 4 *W.* 4, *c.* 85, *s.* 74 429

—— by Order in Council, may regulate trade and commerce of British possessions on continent of Europe, Africa, or within limits of Company's Charter, &c. ... ... 3 & 4 *W.* 4, *c.* 59, *s.* 81 407

—— The Queen empowered to make Articles of War for Company's forces, &c. (*see* Army).

Customs. In regard to ships arriving from the British possessions in India, the servant of the Company delivering the last despatches of such ship shall be the proper officer to authenticate the manifest 3 & 4 *W.* 4, *c.* 52, *s.* 4 371

—— No abatement of duty to be made on coffee, tobacco, pepper, and certain other articles, on account of damage ... ... *s.* 32 *ib.*

—— Sugar from British possessions within limits of Charter, certificate of origin to be furnished ... ... *s.* 38 372

3 & 4 *W.* 4, *c.* 59, *s.* 83 408

Customs—*continued.*

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—— No goods to be deemed imported from any place except imported direct 3 & 4 *W.* 4, *c.* 52, *s.* 48 37

—— But goods the produce of places within the limits of the Charter, having been imported into Malta or Gibraltar from those places in British ships, upon subsequent importation into the United Kingdom, to be liable to same duties as if imported direct 3 & 4 *W.* 4, *c.* 56, *s.* 10 399

—— Goods absolutely prohibited to be imported ... 3 & 4 *W.* 4, *c.* 52, *s.* 58 372

—— Goods subject to certain restrictions on importation ... *s.* 58 373

—— Goods imported contrary to prohibitions or restrictions to be forfeited *ib.* 374

—— Certain prohibited goods may be warehoused for exportation only *s.* 59 *ib.*

—— Definition of terms used in the Act ... ... *s.* 119 *ib.*

—— Malta to be deemed in Europe ... ... *s.* 120 375

—— Tonnage to be according to certificate of registry ... ... *s.* 127 *ib.*

—— Name of master of British ship to be inserted in certificate of registry *s.* 128 *ib.*

—— Produce of Asia how to be imported ... 3 & 4 *W.* 4, *c.* 54, *s.* 3 & 4 376
1 & 2 *V.* *c.* 113, *s.* 30 478

—— Manufactured goods the same as produce ... 3 & 4 *W.* 4, *c.* 54, *s.* 5 377

—— No exportation from United Kingdom to Asia, nor goods carried from any British possession in Asia to any other British possession, nor from one part of any British possession to another part, except in British ships; no importations into British possessions in Asia, except in British ships, or in ships of the country of which the goods are the produce, and from which they are imported (*see* America) ... ... *s.* 7, 10, 11 *ib.*

—— Provisions for importation for warehouseing, forfeitures, &c. *s.* 21, 22, 23 379

—— Goods may be warehoused upon first entry, without payment of duty 3 & 4 *W.* 4, *c.* 56, *s.* 8 399

—— United Kingdom, table of duties inwards ... ... 399 to 404

—— Notes on table ... ... 404—405

—— British possessions in America, table of prohibitions and restrictions 3 & 4 *W.* 4. *c.* 59, *s.* 7 405

—— Table of duties on importation into British possessions in America *s.* 9 406

—— The King by Order in Council empowered to regulate trade and commerce of British possessions on continent of Europe, Africa, or within limits of Company's Charter, &c. ... ... *s.* 81 407

—— Table of duties to be levied on goods imported into the Colony of the Cape of Good Hope by order in Council, 10th August, 1840 407—408

—— United Kingdom, duties on tea ... 3 & 4 *W.* 4, *c.* 101 442 to 444
5 & 6 *W.* 4, *c.* 32 453

—— —— on coffee ... 5 & 6 *W.* 4, *c.* 66, *s.* 1 & 2 458
1 & 2 *V.* *c.* 113, *s.* 24 478

—— —— on sugar 6 & 7 *W.* 4, *c.* 26, *s.* 1, 3 *to* 6 459 to 461
7 *W.* 4 & 1 *V.* *c.* 27, *s.* 1 *to* 3 464—465
1 & 2 *V.* *c.* 33, *s.* 1 *to* 3 472
1 & 2 *V.* *c.* 113, *s.* 18 477
2 & 3 *V.* *c.* 21 479
3 & 4 *V.* *c.* 23 497

(*See* also Act of Government of India No. 32 of 1836, No. 16 of 1837, and No. 15 of 1839, in Appendix).

CUSTOMS—*continued.*

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—— Importation of spirits ... ... 6 & 7 *W.* 4, *c.* 60, *s.* 4 463

—— Tonnage of vessels, &c. ... ... *s.* 5 464

—— British possessions in West-Indies and Mauritius—importation into, of East-India coffee ... ... 1 & 2 *V. c.* 113, *s.* 24 478

—— An additional duty of £5 per cent. levied on the amount of all Custom and Excise duties, except spirits, corn, and post horses, from 15th May, 1840 ... ... 3 & 4 *V. c.* 17, *s.* 1 496

—— Additional duty of £5 per cent. levied by above Act on timber, to cease from 25th June, 1840, and in lieu thereof to pay a duty of 1*s.* 6*d.* on the load containing fifty cubic feet ... ... 3 & 4 *V. c.* 19 497

—— An additional duty to be levied from 15th May, 1840, of 4*d.* per gallon upon all spirits imported into the United Kingdom 3 & 4 *V. c.* 17, *s.* 2 496

—— Regulations imposing transit and town duties in the interior, and fixing rates of import and export duty on sea goods repealed from 1st June, 1836, except as regards the Jumna, or any frontier line, and duties on Western salts. (Act of Government of India No. 14 of 1836, in Appendix) 609

—— Bombay. (Act of Government of India No. 1 of 1838, in Appendix) ... 622

CUSTODY. Provisions of 21 Jac. 1, c. 12, extended to all persons holding public employment in or out of the United Kingdom, having authority to commit persons to custody ... . 42 *G.* 3, *c.* 85, *s.* 6 142

DEBT, BOND. Account of the origin and progress of the debt (*see* Bonds and Bond Debt). ... ... 115—116

DEBT, INDIA TERRITORIAL, transfer of, in England, subject to stamp duty of £1 10*s.* 5 & 6 *W.* 4, *c.* 64, *s.* 5 457

—— contracted by Company in East-Indies, and transferred to England for payment, may be re-transferred to India, there to bear interest at the Indian rate ... ... 52 *G.* 3, *c.* 121 165

DESERTERS (*see* Army).

DIRECTORS, Twenty-four to be appointed ... ... (*Charter*) 4

—— Thirteen or more to be called a "Court of the Directors" ... *ib.* *ib.*

—— to order, manage, and direct the affairs of the Company ... *ib.* *ib.*

—— to have certain powers and privileges ... ... *ib.* *ib.*

—— to assemble General Courts to supply vacancies in the number of Directors *ib.* 5

—— to administer oath to persons voting at elections ... ... *ib.* 6

—— No person to be a Director but natural born subjects of England, or naturalized ... ... *ib.* *ib.*

—— to hold each in his own name, or in his own right, and for his own use, £2,000 stock; disqualified on parting with or reducing such amount *ib.* *ib.*

—— authorized to administer, according to a prescribed form, an oath to their agents or servants ... ... *ib.* *ib.*

—— refusing or neglecting to take the appointed oath or declaration within ten days after election; or to take office, the same to be declared vacant *ib.* *ib.*

(*See* 33 G. 3, c. 52, s. 160, p. 112).

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—— to summon four General Courts in every year—one in December, one in March, one in June, and one in September ... (*Charter*) 7

—— In default of which any three Directors may summon a General Court to be held in the month next coming after that in which the same should have been held ... ... *ib.* *ib.*

—— to summon a General Court on demand of nine or more Proprietors, holding each £500 stock, within ten days after such demand ... *ib.* *ib.*

—— may be displaced by General Court for misdemeanor, or abuse of office, and others be elected ... ... *ib.* *ib.*

—— Vacancies to be supplied in General Courts ... ... *ib.* *ib.*

—— or any thirteen to meet from time to time, and hold Courts at convenient times and places, for the direction and management of the affairs and business of the Company ... ... *ib.* *ib.*

—— to summon General Courts as often as they shall see cause ... *ib.* 8

—— to act according to the By-Laws given them by the General Court *ib.* *ib.*

—— in default of By-Laws, or other rules, to direct and manage all the affairs and business of the Company ... ... *ib.* *ib.*

—— to appoint and remove servants; allow and pay such reasonable salaries and allowances as they may judge necessary for the well ordering and managing of the Company's affairs; and enjoy all powers, authorities, and privileges, acts and things in relation to the Company, as fully as if done by the whole Company, or General Court, subject to restrictions of Acts of Parliament and Charter ... ... *ib.* *ib.*

—— on equality of votes in any Court or General Court determination to be by lot (*see* Lot) ... ... *ib.* 10

—— may order business to be done by Sub-committee, or by other persons appointed under them ... ... *ib.* *ib.*

—— Governor, Deputy-governor, or Directors of the Bank of England, not eligible; and Directors of the United Company incapable of being elected Governor, Deputy-governor, or Director of the Bank 9 *Anne, c.* 7 17

—— Same provision as to South-Sea Company ... ... 9 *Anne, c.* 21 *ib.*

—— Six to be chosen annually in place of those whose time shall have expired, and who are to be incapable of being then re-chosen; to continue in office four years; Directors chosen to supply vacancies by death or other cause to serve during remainder of term for which the person whose office shall become vacant was chosen, and no longer 13 *G.* 3, *c.* 63, *s.* 1 26

—— Collusive transfers of stock to qualify voters at elections, and all securities affecting them, void; persons voting by virtue of collusive transfer and afterwards re-transferring stock to forfeit £1,000 ... *s.* 3 26, 27

—— Qualification of voters £1,000 or more stock entitles to 1 vote,
£3,000 ... ... 2 votes,
£6,000 ... ... 3 votes,
£10,000 ... ... 4 votes;
stock to be in his possession twelve calendar months in his own right, not in trust, and free from incumbrance; excepting acquired by bequest, marriage, or succession to any intestate's estate, custom of City of

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London, or deed of settlement after the death of any person entitled for life to the dividends of stock ... 13 *G*. 3, *c*. 63, *s*. 3 & 4 27

—— Oath or affirmation to be taken by Proprietors previous to voting; and persons committing perjury liable to penalties ... ... *s*. 6 28

—— Election to take place annually on the second Wednesday in April 17 *G*. 3, *c*. 8, *s*. 1 39

—— Term of office to expire in all cases on the second Wednesday in April *s*. 2 *ib.*

—— At every election of Directors, Proprietors residing in the United Kingdom may vote by letter of attorney, oath or affirmation being made before Justice of Peace ... ... 3 & 4 *W*. 4, *c*. 85, *s*. 27 417

—— Repeal of restriction in 13 Geo. 3, c. 63, which prevents the election of any civil or military servant as a Director until he shall have been resident in England for two years; but such person shall not be chosen for two years after return, if his accounts shall be unsettled, or if any charge against him shall be undecided by Court of Directors. 3 & 4 *W*. 4, *c*. 85, *s*. 28 *ib.*

—— to fill up vacancies in office of Governor-general of Fort William, Members of Council there, Governor of Fort Saint George and Bombay and Members of Council at those Presidencies; Governors of Forts and Garrisons of Fort William, Fort Saint George, Bombay, Commander-in-chief of all the forces in India or provincial Commander-in-chief 33 *G*. 3, *c*. 52, *s*. 25 86

—— subject to the approbation of the Crown as respects Governors and Commanders-in-chief, to be signified in writing under royal sign manual, countersigned by President of Board of Control 53 *G*. 3, *c*. 155, *s*. 80 180

—— to appoint three ordinary Members of the Council of India absolutely, and the fourth ordinary Member subject to the approbation of the Crown 3 & 4 *W*. 4, *c*. 85, *s* 40 421

—— to fill up vacancies in the office of Governor-general of India subject to the approbation of the Crown ... ... *s*. 42 *ib.*

—— to fill up vacancies in office of Governor in subordinate Presidencies, subject to approbation of the Crown... ... ... *s*. 58 425

—— neglecting to make appointment for two calendar months, the Crown may appoint; and person so appointed to be liable to recall only by the Crown ... ... 33 *G*. 3, *c*. 52, *s*. 26 86
3 & 4 *W*. 4, *c*. 85, *s*. 60 426

—— may make provisional appointments subject to any event or contingency 33 *G*. 3, *c*. 52, *s*. 27 87
3 & 4 *W*. 4, *c*. 85, *s*. 61 426

—— subject, in respect of offices of Governor-general in India, Governor of a Presidency, and fourth ordinary Member of Council of India to the approbation of the Crown ... ... 3 & 4 *W*. 4, *c*. 85, *s*. 61 426
(*See* Crown and Provisional Appointments).

—— may remove any officers or servants, except those appointed by the Crown 33 *G*. 3, *c*. 52, *s*. 36 89
53 *G*. 3, *c*. 155, *s*. 80 180
3 & 4 *W*. 4, *c*. 85, *s*. 75 430

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—— with approbation of the Board, may suspend the power of the Governor-general of Fort William to act upon his own authority, and revive the same ... ... 33 *G.* 3, *c.* 52, *s.* 55 97

—— to lay before Parliament yearly certain accounts ... *s.* 126 103
(*See* Parliament). ... ... 3 & 4 *W.* 4. *c.* 85, *s.* 116 439

—— to take prescribed oath within ten days after election and before taking office, save administering the oath—oath to be signed by person taking it; to be administered by two Directors, who are to sign and attest it—on neglect to take oath within prescribed term, office to be void
33 *G.* 3, *c.* 52, *s.* 160 112

—— Year and title of Act 53 G. 3, c. 155, to be inserted instead of that of the 33 G. 3, c. 52 ... ... 53 *G.* 3, *c.* 155, *s.* 76 179

—— to frame regulations for trade of friendly nations with India (*see* Trade, external) ... ... 37 *G.* 3, *c.* 117, *s.* 1 & 3 118, 119

—— to make reports twice a-year to Secretary of State and Commander-in-chief of number of men raised, and all acts done under an "Act for better Recruiting the Forces of the East-India Company."
39 *G.* 3, *c.* 109. *s.* 21 131

—— may declare from time to time what parts of territorial possessions and establishments shall be subject to respective Presidencies with consent of Board ... ... 39 & 40 *G.* 3, *c.* 79, *s.* 1 134
3 & 4 *W.* 4, *c.* 85, *s.* 38 420

—— to give or withhold sanction of duties levied in India (*see* Duties)
53 *G.* 3, *c.* 155, *s.* 25 169

—— Equality of votes in Court to be taken as a rejection of the motion, except in cases of election to office or place where there shall be more than one candidate, which are still to be determined by lot (*see* Lot)
53 *G.* 3, *c.* 155, *s.* 77 179

—— not to appoint to any office in India without the approbation of the Board, saving as to offices excepted by previous sections, appointing absolutely or provisionally any Member of Council, General Officer on the Staff, Advocate and Attorney-general, Attorney-at-law of the Company, Chaplains, or to any office in the civil or marine establishment which have usually been supplied by persons not covenanted servants, and of writers, cadets, and assistant-surgeons in the accustomed manner
53 *G.* 3, *c.* 155, *s.* 81 180

—— Restoration of officers and servants (*see* Army, Company's, and Officers and Servants).

—— to cause publication in *London Gazette* of Administration, Accounts of Registrars of Courts in India; Adjudication, &c., in cases of Insolvency in India, &c. (*see* Administration, and Insolvent Debtors in India).

—— Subject to priority of charge for payment of dividends, and of amount for constituting security fund, may, with the consent of the Board, apply revenues and monies to the service of the Government of India, and to the payment of charges in such order as the Court, under the control of

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the Board may direct, anything in any other Act to the contrary notwithstanding ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 17 415

—— if Court, with consent of Board, shall declare that any person having held civil or military office abroad has unsettled accounts with the Company, or that a charge against him is under consideration, such person not to be capable of being elected a Director for two years after his return, unless his accounts be settled, or the charge determined at earlier period *s.* 28 417

—— to frame estimates of Home Expences (*see* Home Expences).

—— subject to approbation of the Board, to make rules for the procedure of the Governor-general of India in Council, which are to prescribe the mode of promulgating and authenticating Acts and proceedings, and which rules, when approved, shall have force of law ... *s.* 47 422

(*See also* Parliament).

—— Law Commission (*see* Law Commission).

—— may, under control of Board, suspend appointment of Councils in any Presidency, or reduce the number of counsellors ... ... *s.* 57 425

(*See also* Governments subordinate).

—— to make regulations, with the approbation of the Board, for distribution of patronage in India ... ... *s.* 78 431

—— to take into consideration drafts of laws respecting slavery transmitted by Governor-general in Council, and communicate instructions thereon *s.* 88 433

(*See also* Board of Commissioners).

—— By Laws relative to 591

DIVIDENDS (*See* Security Fund *and* Stock) 14

DIVORCE. Upon petition to Parliament of any party praying a Bill of divorce, Speaker of either House may issue his warrant to the Judges of the Supreme Courts in India for the examination of witnesses; examinations to be certified and two copies transmitted; Judges may ask further questions and require further witnesses to be produced; proceedings not to be discontinued by prorogation of Parliament 1 *G.* 4, *c.* 101, *s.* 1 *to* 4 230, 231

DOG-STEALING (*see* Larceny).

DUTIES imposed in India upon export, import, or transit of goods not to be valid until sanctioned by the Court, with the approbation of the Board; sanction and approbation to be signified in public despatches, describing regulations by title at full length; regulations, when promulgated in India, to contain mention of sanction and approbation; such mention to be evidence in Courts of Justice ... ... 53 *G.* 3, *c.* 155, *s.* 25 169

—— and Customs may be imposed on places and persons within jurisdiction of Courts established by Royal Charter, under the sanction of Court of Directors and Board of Control; laws and regulations may be made, and fines, penalties, and forfeitures for non-payment imposed: such laws to be noticed, without being specially pleaded, in Courts established by Royal Charter, and proceedings for enforcing them to be had thereon *s.* 98, 99 188, 189

—— Power of levying duties upon all persons and in respect of all goods, and all laws and regulations, fines, and penalties previously made and imposed,

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confirmed; all orders to remain in force; all persons concerned in advising, or acting under such orders indemnified; all actions and suits touching the levy of such duties to be void, except as to costs; but no person indemnified for acts done without authority, or contrary to meaning of orders intended to be confirmed ... 54 *G.* 3, *c.* 105, *s.* 1, 2 200

EASTERN SETTLEMENTS. Singapore and Malacca transferred to the East-India Company ... ... 5 *G.* 4, *c.* 108, *s.* 1 252

—— Provision may be made by the Crown for administration of justice in Singapore and Malacca ... ... 6 *G.* 4, *c.* 85, *s.* 19 264

—— Singapore and Malacca annexed to Prince of Wales' Island ... *s.* 21 265

—— to be under such Presidency as Court of Directors, with approbation of Board, may determine, or to form a separate Settlement ... *ib.* *ib.*

(*See also* Act of the Government of India, No. 20 of 1837, in Appendix, fixing the law by which the succession to immoveable property either by inheritance or testamentary disposition is to be regulated in future, and giving it retrospective effect. Proviso in respect to property so acquired or sold) 621

EAST-INDIA COMPANY (*see* Company).

ECCLESIASTICAL ESTABLISHMENT. Company to maintain a Minister in every garrison or superior factory; such Minister to be approved by the Archbishop of Canterbury or the Bishop of London, and to be treated with all due respect ... ... (*Charter*) 4

—— Ministers to learn the Portuguese and Native language of the country where they shall reside, the better to enable them to instruct the Natives in the Protestant religion ... ... *ib.* *ib.*

—— A Bishopric (Calcutta) and three Archdeaconries for the Presidencies of Bengal, Madras and Bombay respectively, to be erected by Letters Patent ... ... 53 *G.* 3, *c.* 155, *s.* 49 174

—— Salary of the Bishop fixed at £5,000 per annum, at an exchange of 2*s.* the Bengal current rupee ... ... *s.* 49 175

—— No Archdeacon to receive in respect of his Archdeaconry any salary exceeding 3,000 sicca rupees per annum ... 3 & 4 *W.* 4, *c.* 85, *s.* 101 435

—— Salaries to commence on taking office, and to cease when functions cease 53 *G.* 3, *c.* 155, *s.* 50 175

—— Bishop to have no jurisdiction but as limited by Letters Patent. Crown may grant such jurisdiction in the East-Indies as thought necessary *s.* 51 & 52 *ib.*

—— Warrant relating to Bishops and Archdeacons to be countersigned by President of Board ... ... *s.* 53 *ib.*

—— Passage-money to the Bishop, if resident in Europe, £1,200 ... *s.* 89 185

—— —— Archdeacons, £500 ... ... *ib.* *ib.*

—— House to be provided for the Bishop of Calcutta: sum for the purpose to be defined by the Directors with approbation of the Board 4 *G.* 4, *c.* 71, *s.* 5 241

—— Visitation expences of the Bishop of Calcutta to be defrayed by Company:

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amount to be fixed by Court of Directors with approbation of Board 4 *G.* 4, *c.* 71, *s.* 5 241

—— Bishop of Calcutta may admit persons to holy orders for cure of souls within his diocese only; persons ordained, unless British subjects or belonging to the United Kingdom of Great Britain and Ireland, not required to take oaths and subscriptions required in England ... ... *s.* 6 *ib.*

—— Pension to the Bishop of Calcutta after ten years' service in that office, £1,500 per annum ... ... 4 *G.* 4, *c.* 71, *s.* 3 240

—— Bishop relinquishing his see from illness or infirmity, after five years' exercise of his office may receive a pension of £750 per annum; and after seven years' exercise £1,000 per annum 6 *G.* 4, *c.* 85, *s.* 15 264

—— Resignation under ten years'service for other cause than illness or infirm ity to be proved to the satisfaction of the Crown, not to entitle to pension *s.* 16 *ib.*

—— Bishop of Calcutta to be Metropolitan, subject to general superintendence of Archbishop of Canterbury; Bishops of Madras and Bombay to be subject to Bishop of Calcutta, and take oath of obedience 3 & 4 *W.* 4, *c.* 85, *s.* 94 434

—— The King empowered to erect two additional Bishoprics, to be called Bishoprics of Madras and Bombay ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 89 433

—— To be paid out of those territories respectively, 24,000 Sicca rupees by the year (*see* Salaries) ... ... *s.* 89 *ib.*

—— Jurisdiction of Bishops of Madras and Bombay to be determined by Letters Patent from the Crown ... ... *s.* 92 434

—— Passage-money to Bishops, if resident in United Kingdom at time of appointment, £500 each ... ... *s.* 91 *ib.*

—— Pensions to Bishops of Madras and Bombay after exercising office for fifteen years, £800 per annum each (*see* Pensions) ... ... *s.* 96 435

—— Visitation expenses of Bishops of Madras and Bombay to be provided for by the Company; sum to be fixed by Court of Directors, with the approbation of the Board ... ... *s.* 100 *ib.*

—— No Archdeacon hereafter appointed to receive in respect of his Archdeaconry any salary exceeding 3,000 Sicca rupees per annum ... *s.* 101 *ib.*

—— Bishops of Madras and Bombay to be subject to Bishop of Calcutta, and to take oath of obedience ... ... *s.* 94 434

—— Limits of the three dioceses to be determined by the Crown *s.* 93 *ib.*

—— Warrant for bills for Letters Patent respecting Indian Bishoprics to be countersigned by the President of the Board of Control ... *s.* 95 *ib.*

—— On any person under the degree of a Bishop, resident in India, being appointed to a Bishopric there, Archbishop of Canterbury, when required by Letters Patent from the Crown, may issue a Commission to the two remaining Bishops to perform the ceremony of consecration *s* 99 435

—— The whole expense on account of Bishops and Archdeacons in India limited to 120,000 Sicca rupees per annum ... ... *s.* 101 436

—— Two Chaplains of the Church of Scotland to be maintained at each Presidency, and to have same salaries as are allotted to Military Chaplains

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at Presidencies; to be ordained and inducted by Presbytery of Edinburgh, to be subject to that Presbytery, to the Provincial Synod of Lothian and Tweedale, and to the General Assembly of the Church of Scotland ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 102 436

—— Grants of money to sects of Christians not of the Church of England or Scotland, by Governor-general in Council, with sanction of Court of Directors and Commissioners for affairs of India, not precluded *s.* 102 *ib.*

—— Letters Patent establishing a Bishopric for the whole of the British territories in the East-Indies, and one Archdeaconry for each of the Presidencies of Bengal, Madras, and Bombay 586

—— Letters Patent respecting the Bishopric of Calcutta, Madras and Bombay 590, 591

Education of Natives. Provision for schools, public lectures, or other literary institutions for the benefit of the Natives, to be regulated by Governor-general in Council, subject to the control of the Board; but appointments to offices therein to be made by the Local Governments 53 *G.* 3, *c.* 155, *s.* 43 172

Elections. Six Directors to be chosen annually in place of those whose time shall have expired, and who are to be incapable of being re-chosen; to continue in office four years; Directors elected to supply vacancy by death, or other cause, to serve during the remainder of term for which the person whose office shall become vacant was chosen and no longer 13 *Geo.* 3, *c.* 63, *s.* 1 26

—— No Proprietor to vote in respect of stock amounting to less than £1,000, nor until possessed twelve calendar months in his own right, not in trust and free from incumbrance; excepting stock acquired by bequest, marriage, succession, custom of London, or by deed of settlement after the death of any person entitled for life to dividends of stock ... *s.* 3 27

—— Proprietor of £3,000 stock entitled to give two votes: £6,000 three votes; and £10,000 four votes ... ... *s.* 4 *ib.*

—— Oath or affirmation of qualification (according to a prescribed form), to be taken by Proprietors before voting ... ... *s.* 6 28

—— Persons committing perjury, or suborning others to do so, subject to penalties ... ... *ib.* *ib.*

—— of Directors to take place annually on the second Wednesday in April 17 *G.* 3, *c.* 8, *s.* 1 39

—— At every election of Directors, Proprietors residing in the United Kingdom may vote by letter of attorney, oath or affimation being made before Justice of Peace; making false oath or affirmation, or procuring such to be made, to subject offender to penalties provided against perjury and subornation of perjury ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 27 417

—— Repeal of restriction in 13 G. 3, c. 63, which prevents the election of any civil or military servant as a Director, until he shall have been resident in England for two years; but such person shall not be chosen for two years after return, if his accounts shall be unsettled, or if any charge against him shall be undecided by Court of Directors ... *s.* 28 *ib.*

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Estates, real, of deceased persons within jurisdiction of Supreme Courts in India to be deemed assets in the hands of executors for the payment of debts whether by speciality or simple contract ... ... 9 *G.* 4, *c.* 33, *s.* 1 276

—— Executors or administrators may sell such real Estate for payment of debts, and convey and assure the same estate to purchaser ... *s.* 2 277

—— In actions for debts against executors, &c. they may be charged with full amount of real Estate, not exceeding the actual net proceeds when sold by the Sheriff, as assets in their hands ... ... *s.* 3 *ib.*

—— In actions against executors, &c., Courts may order writs of sequestration and execution against houses, lands, and real effects of testator, in hand of executors ... ... *s.* 4 *ib*

—— Conveyances and assurances of Estates by executors and administrators shall be deemed valid ... ... *s.* 5. *ib.*

—— Act not to alter the legal quality or tenure of Estates... ... *s.* 6. *ib.*

Extorting Money (*see* Larceny).

Factors or Agents, having goods or merchandize in their possession, shall be deemed to be the true owners, so as to give validity to contracts with persons dealing *bonâ fide* upon the faith of such property 4 *G.* 4, *c.* 83, *s.* 1 250
6 *G.* 4, *c.* 94, *s.* 1 267

—— Persons in possession of bills of lading, &c., to be deemed the owner, so far as to give validity to contracts thereafter to be made with parties for the sale of goods, &c. ... ... *s.* 2 268

—— No person to acquire a security upon goods, &c., in the hands of an agent for an antecedent debt beyond the amount of the agent's interest in the goods ... ... *s.* 3 *ib.*

—— Persons may contract with known agents in the ordinary course of business, or otherwise, if within the agent's authority ... ... *s.* 4 *ib.*

—— Persons may accept and take goods, &c., in pledge from known agents: but in that case shall acquire no further interest than was possessed by agent at the time of such pledge ... ... 4 *G.* 4, *c.* 83, *s* 2 251
6 *G.* 4, *c.* 94, *s.* 5 269

—— Act not to prevent the right of the true owner to follow his goods while in the hands of his agent or assignee, in case of bankruptcy, or to recover from a third person upon paying his advances secured upon them; in case of bankruptcy of factor the owner of goods so pledged and redeemed, shall be held to have discharged *pro tanto* the debt due from him to bankrupt ... ... 4 *G.* 4, *c.* 83, *s.* 3 251
6 *G.* 4, *c.* 94, *s.* 6 269

—— fraudulently pledging the goods of their principals to be deemed guilty of a misdemeanor; liable on conviction to transportation, or such other punishment as the Court shall adjudge ... ... *s.* 7 270

—— Act not to be construed to extend to cases in which the agent has not made the goods a security for any sum beyond the extent of his own lien; acceptance of bills by agent not to create a lien so as to excuse the pledge, unless such bill shall be paid when due ... *s.* 8 *ib.*

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—— Act not to extend to partners, society or firm, not being accessory or privy to the offence ... ... 6 *G.* 4 *c.* 94, *s.* 9 270

—— And not to lessen any remedy at law or equity which the party aggrieved may be entitled to adopt ... ... *s.* 10 *ib.*

Fees not to be taken by Governor-general and Council, Chief Justice or Judges of the Supreme Court at Calcutta ... 13 *G.* 3, *c.* 63, *s.* 22 & 23 32

—— Counsellors, Physicians, Surgeons and Chaplains may take professional fees *s.* 25—32

33 *G.* 3, *c.* 52, *s.* 64 100

—— Coroners appointed by Governors-general in Council and Governor in Council to have and be entitled to such reasonable fees and allowances for the performance of their duties as shall be prescribed by the respective Governments ... ... 33 *G.* 3, *c.* 52, *s.* 157 111

(*See also* Presents).

Felony (*see* Criminal Justice in India).

Fines, mode of recovery from property in the East-Indies (*see* Court Supreme of Fort William).

Fire Arms, provisions for proving barrels not to extend to any for the use of the Company's forces ... ... 53 *G.* 3, *c.* 115, *s.* 3 166

55 *G.* 3, *c.* 59, *s.* 5 201

Forces of the Crown and of the Company (*see* Army).

Foreign Enlistment Act not to extend to persons entering the service of any Prince or State in Asia under the authority of the Government of Fort William ... ... 59 *G.* 3, *c.* 69, *s.* 12 221

Foreign Trade (*see* Trade, external).

Forgery. Parties personating the owner of any Public Stock, or certain other stocks, and endeavouring to transfer or receive dividends, guilty of felony and to be punished by transportation for life, or for any term not less than seven years, or imprisonment not exceeding four, nor less than two years ... ... 11 *G.* 4 & 1 *W.* 4, *c.* 66, *s.* 7 349

—— Forging the attestation to any power of attorney for transfer of Stock, &c., transportation for seven years, or imprisonment for any term not exceeding two years, nor less than one year ... ... *s.* 8 *ib.*

—— Forging a deed, bond, receipt for money or goods, or an accountable receipt, or an order for delivery of goods, transportation for seven years, or imprisonment for any term not exceeding four or less than two years *s.* 10 *ib.*

—— Principals in the second degree, and accessories before the fact punishable with death or otherwise, in the same manner as principal in the first degree. Accessories after the fact by imprisonment not exceeding two years ... ... *s.* 25 350

—— Court may order hard labour or solitary confinement for offences against Act ... ... *s.* 26 *ib.*

—— Offences committed within Admiralty jurisdiction to be determined in same manner as any other offence committed within that jurisdiction *s.* 27 *ib.*

—— Rule of interpretation as to criminal possession, and as to parties intended to be defrauded ... ... *s.* 28 *ib*

—— Act not to extend to Scotland or Ireland ... ... *s.* 29 *ib.*

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—— But to apply to the forging or altering in England documents purporting to be made, or actually madeout in England, and to the forging or uttering in England, bills of exchange, promissory notes, bonds, &c., purporting to be payable out of England ... 11 *G.* 4 & 6 *W.* 4, *c.* 61, *s.* 30 350

—— Counterfeiting written instruments, &c., for conveyance or transfer of land stock in public funds, or Companies, or for securing payment of money under any will, bond, &c., felony, punishable by transportation for life, or term of years, or by imprisonment ... 9 *G.* 4, *c.* 74, *s.* 72 324

—— Counterfeiting, erasing, altering, or falsifying licences or certificates, or attested copies, punishable with fine and imprisonment *s.* 76 325

—— Persons hereafter convicted of crimes punishable with death, under Act 11 G. 4, & 1 W. 4, c. 66, shall not suffer death, but shall be transported for life ... ... 2 & 3 *W.* 4, *c.* 123, *s.* 1 & 3 363, 364

FREIGHT, rate of, for specie and treasure conveyed on board his Majesty's ships may be fixed by the Crown; all bargains concerning freight to be void 59 *G.* 3, *c.* 25 219

In January, 1838, the Lords of the Admiralty determined that the rate for conveying Company's treasure should be the same as that paid for the transfer of treasure belonging to the British Government 220

FUND, Security (*see* Security Fund).

GENERAL COURT, Members of the Company may assemble at any convenient place (*Charter*) 5

—— For the choice of Directors ... ... *ib.* *ib.*

—— for making By-Laws, ordinances, rules, &c. for the government of the Company, or for any other business or affairs concerning the same *ib.* *ib.*

—— When assembled to be called a General Court ... ... *ib.* *ib.*

—— Corporations holding stock may vote in respect thereof at election of Directors in General Courts by deputy under common seal; oath to be taken and administered by two or more Directors (*see* Corporations) *ib.* 5, 6

—— to be assembled to supply vacancies in the number of Directors ... *ib.* 5

—— to be assembled yearly in December, March, June, and September *ib.* 7

—— if not duly held by default of Directors, any three Directors may summon a General Court to be held in the month next coming after that in which the same should have been held ... ... *ib.* *ib.*

—— to be summoned by Directors, on the demand of nine or more Proprietors, each holding £500 stock, within ten days after such demand *ib.* *ib.*

—— if not summoned on such demand the nine members may summon upon ten days' notice, to be fixed upon the Royal Exchange; the Court so summoned may dispatch any business, hear and determine any complaint against a Director or Directors, and if the accused should not clear himself of complaint another General Court may be held within ten days, in which the offender may be removed for misdemeanor or abuse, and others elected in place ... ... *ib.* *ib.*

—— may make By-Laws, inflict reasonable penalties and punishments, levy fines

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to the use of the Company; such By-Laws not being repugnant to law, and to be confirmed and approved according to Statute (*Charter*) 8

—— to determine by lot in certain cases where votes are equal (*see* Lot) *ib.* 10

—— Ballot upon any question not to take place in less than eight hours after the breaking up of the Court; and to be begun not later than twelve o'clock at noon, nor closed at an earlier hour than six o'clock in the afternoon 7 *G.* 3, *c.* 49, *s.* 3 23

—— Ballot not to take place in less than twenty-four hours after the adjournment of the Court in which the question to be ballotted originated 10 *G.* 3, *c.* 47, *s.* 3 23, 24

—— No Proprietor to vote in respect of stock amounting to less than £1,000, nor until possessed twelve calendar months in his own right, not in trust, and free from incumbrance; excepting stock acquired by bequest, marriage, succession to any intestate's estate, custom of City of London, or by deed of settlement after the death of any person entitled for life to the dividends of stock ... ... 13 *G.* 3, *c.* 63, *s.* 3 27

—— Proprietor of £3,000 stock entitled to give two votes, £6,000 three votes, and £10,000 four votes; oath or affirmation prescribed by section 6 being altered in such manner as shall be necessary to comprise such right of voting ... ... *s.* 4 *ib.*

—— At every election of Directors and every ballot, Proprietors to make oath or affirmation of qualification, according to prescribed form, before voting *s.* 6 28

—— Persons committing perjury or suborning others to do so liable to penalties *ib.* *ib.*

—— At every election of Directors, Proprietors residing in the United Kingdom may vote by letter of attorney, oath or affirmation being made before Justice of Peace; making false oath or affirmation, or procuring such to be made, to subject offenders to penalties provided against perjury and subornation of perjury ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 27 417

—— Letter of attorney for voting for Directors exempted from Stamp duty 5 & 6 *W.* 4, *c.* 64, *s.* 6 458

—— Not to rescind, suspend, revoke, or vary any order of Court of Directors touching civil or military government, or revenues of India, after it has been approved by the Commissioners for affairs of India 33 *G.* 3, *c.* 52, *s.* 23 86

—— not to revoke or vary regulations respecting trade of friendly nations with India (*see* Trade external) ... ... 37 *G.* 3, *c.* 117, *s.* 3. 119

—— Equality of votes to be taken as a rejection of the motion (*see* Lot and Votes) 53 *G.* 3, *c.* 155, *s.* 77 179

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GENERAL SOCIETY. Incorporation of, recited 1

—— to be incorporated ... ... 9 & 10 *W.* 3, *c.* 44, *s.* 62 13

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GOVERNMENTS, INDIA, GENERALLY. May address despatches to the Secret Committee of the Court of Directors (*see* Secret Committee) 33 *G.* 3, *c.* 52, *s.* 22 85

—— Provisional appointments (*see* Directors and Provisional Appointments).

—— Office of Governor-general, or Governor becoming vacant, and no successor

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being on the spot, Councillor next in rank to execute office; if Council Board be reduced to one Member besides Governor-general or Governor, the latter may call a senior merchant to be a temporary Member; acting officers to be entitled to emoluments and advantages of offices, the acting Governor-general, or Governor, foregoing for the time his salary as Councillor ... ... 33 *G.* 3, *c.* 52, *s.* 29 87
3 & 4 *W.* 4, *c.* 85, *s.* 62, 63 426

(*See also* Governments Subordinate, and Governor-general and Council of India.)

—— Commander-in-chief, although a Member of Council, not to succeed to temporary government unless provisionally appointed 33 *G.* 3, *c.* 52, *s.* 30 88

—— Vacancies in Council, when no successor on the spot, to be supplied by the Governor-general in Council from among the senior merchants; persons thus appointed to have powers and emoluments till the arrival of a successor duly appointed ... ... 33 *G.* 3, *c.* 52, *s.* 31 *ib.*

(*See also* Governor-general and Council of India.)

—— Vacancies to be supplied by Governor-general in Council, or Governor in Council, but temporary Members of Council, when drawing salary of that office, to forego their own, and no person to be appointed temporarily who might not have been appointed to supply the vacancy
3 & 4 *W.* 4, *c.* 85, *s.* 64 427

—— Commander-in-chief may be appointed Member of Council to take rank next to Governor-general or Governor; but not entitled to any salary in respect of seat in Council, unless specially granted
33 *G.* 3, *c.* 52, *s.* 32 88

(*See also* Governor-general and Council of Fort William.)

—— Commander-in-chief of all the Forces, when resident at Fort St. George and Bombay, to be a Member of Council there, and if the Provincial Commander-in-chief, have a seat in Council, he may continue to sit and deliberate, but not to vote ... ... *s.* 33 *ib.*

—— If Member of Council incapable of acting or absent from Presidency, Governor-general or Governor may call provisional successor, or senior merchant, to assist for that turn, but such occasional Councillor not to receive salary nor vacate office ... 33 *G.* 3, *c.* 52, *s.* 34 89

—— Resignation and departure of Officers (*see* Officers and Servants). *ib.*

—— Councils to consider in first place matters proposed by Governor-general or Governor; competent to Governor-general or Governor to adjourn discussion for not more than forty-eight hours; no matter to be adjourned more than twice, without the consent of Councillor who proposed it *s.* 38 90

—— Proceedings to be expressed to be made by the Governor-general in Council, or Governor in Council ... ... *s.* 39 91

—— To be signed by Chief Secretary, or Principal Secretary of department
53 *G.* 3, *c.* 155, *s.* 79 179

—— In case of difference of opinion between Governor-general and Council, or between Governor and Council, on any matter essentially affecting the interest of the Company, or the safety and tranquillity of the British

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Government, the grounds and reasons of their respective opinions to be stated in writing, exchanged and recorded in secret consultations; if difference continue, Governor-general or Governor may make order without the concurrence of the Council, which being duly signed, shall be valid and effectual, and all Officers are required to obey it 33 *G.* 3, *c.* 52, *s.* 47 94

— Governor-general or Governor to be alone responsible for any order recorded without concurrence of any other Member of Council ... *s.* 48 95

— But no power given to Governor-general or Governor to make any order by their sole authority, which could not have been lawfully made by Governor-general or Governor in Council ... ... *s.* 49 *ib.*

— No person on whom office of Governor-general or Governor may devolve by death or resignation, nor any Deputy Governor-general or Governor, to have discretionary power of acting without the concurrence of Council, unless provisionally appointed to succeed, or unless and until confirmed in office ... ... *s.* 50 *ib.*

— Discretionary power of Governor-general or Governor not to extend to judicial matters, nor to making or repealing any regulation of Government, nor to imposing any tax or duty ... ... *s.* 51 96

— No Governor-general, Governor, or Member of Council to be concerned in trade ... ... *s.* 137 104

— Governor-general, Governor, or Member of Council trading for his own benefit, declared to be a misdemeanor 3 & 4 *W.* 4, *c.* 85, *s.* 76 430

— may appoint and remove Coroners (*see* Coroners) 33 *G.* 3, *c.* 52, *s.* 157 111

— Limits of Presidencies (*see* Directors) ... 39 & 40 *G.* 3, *c.* 79 *s.* 1 134

— On intended absence from Council of Governor-general or Governor being signified, senior Member present to preside, with same powers as Governor-general or Governor, but no act of Council to be valid, unless signed by the Governor-general or Governor, if not prevented by indisposition; if Governor-general or Governor, not being so prevented, refuse or decline to sign acts of Council, grounds and reason of difference to be exchanged by Governor-general or Governor and Members of Council, subject to such regulations and ultimate responsibility as directed in 33 G. 3, c. 52, s. 47 to 51; nothing however to prevent Governor-general, when absent from Bengal, nominating a Vice-President, and Deputy-Governor of Fort William ... ... *s.* 12 136

— may establish Banks (*see* Banks).

— Duties on Goods (*see* Duties).

— may remove subjects of Foreign States (*see* Residence).

— may suspend proceedings of any Court-Martial, which may at any time be held within the respective Presidencies 3 & 4 *V.* *c.* 37, *s.* 27 507

GOVERNOR-GENERAL and COUNCIL OF FORT WILLIAM to superintend and control the subordinate Governments of Madras and Bombay; these latter to obey their orders, and not to commence hostilities, declare or make war or peace with Native Powers, without the approbation of the Governor-

Governor-general and Council, &c.—*continued.*

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general, &c., except in cases of imminent necessity, or where they shall have received special orders from the Court of Directors 13 *G.* 3, *c.* 63, *s.* 9 28

—— to obey all such orders as they shall receive from the Court of Directors; to correspond from time to time, and to transmit to the Court an exact particular of all that relates to the government, revenues, or interests of the Company ... ... *ib.* 29

—— may make and issue such rules, ordinances and regulations (not being repugnant to the las of the realm) for the good ord er of Fort William and its subordinates as shall be deemed just and reasonable; and may inflict fines, &c., for the breach or non-observance of them ... *s.* 36 34

—— to be Justices of the Peace (*see* Justices of the Peace) ... ... *s.* 38 35

—— not subject to proceedings of Supreme Court (*see* Court Supreme of Fort William).

—— liable to prosecution and suit in Great Britain ... 21 *G.* 3, *c.* 70, *s.* 4 48

(For mode of proceeding, *see* Supreme Court of Fort William.)

—— No prosecution or suit to be carried on against the Governor-general or Member of Council, before any Court in Great Britain (except the High Court of Parliament) unless commenced within five years after offence committed, or five years after arrival of accused party in England *s.* 7 49

—— or some Committee thereof, or appointed thereby, may determine on appeals from Provincial Courts in civil causes; judgment to be final and conclusive except upon appeal to the Crown in civil suits of a certain value; to hear and determine on all offences committed in collecting the revenue, &c., and to inflict punishment not extending to death, maiming, or perpetual imprisonment ... ... *s.* 21, 22 51

—— to frame regulations for Provincial Courts and Councils to be transmitted within six months to the Court of Directors, which regulations the Crown may approve or disallow; if not disallowed within two years to be of force and authority, provided no new expence to suitors be produced thereby ... ... *s.* 23 *ib.*

—— to superintend, control, and direct Governors of Fort St. George and Bombay, and all other Governments erected by the Company 33 *G.* 3, *c.* 52, *s.* 40 91

—— in transmitting orders to subordinate Presidencies, shall transmit dates of last orders received from Court of Directors or Secret Committee: on receipt from subordinate Presidencies of orders from Court or Secret Committee, to give such further orders as may be judged necessary *s.* 41 *ib.*

—— not to declare war, nor commence hostilities, nor enter into any treaty for making war, nor guaranteeing possessions (except hostilities be commenced, or in preparation against the British nation, its dependants or allies) without authority of the Court of Directors or the Secret Committee; nor to declare war, commence hostilities, nor enter into treaty for the purpose against any Prince or State not actually committing hostilities, or making preparations for committing them; not to guarantee

Governor-general and Council, &c.—*continued.*

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possessions of Prince or State, but upon consideration of receiving actual assistance against hostilities; and in all cases of hostilities commenced, or treaty made, communication to be made to the Court of Directors or Secret Committee by the most expeditious means, with full information and motives and reasons at large ... 33 *G.* 3, *c.* 52, *s.* 42 92

—— may, upon reasonable grounds, secure persons suspected of carrying on illicit correspondence dangerous to the peace and safety of the British possessions; may commit such persons to custody; accused party to be permitted to make defence and call witnesses who, as well as the witnesses in support of the charge, are to be examined and cross-examined on oath, in presence of the accused, and depositions and examination taken down in writing; parties may be detained till brought to trial in India or sent to England; and all examinations and proceedings, or copies to be sent to Court of Directors, under judicial seal, by first despatches; party if departed to England to be sent by first convenient opportunity, unless disabled by illness; examination and proceedings transcribed to be received in evidence in all Courts of law, subject to just exceptions as to competency of witnesses ... ... *s.* 45 93

—— Governor-general having occasion to be absent from Bengal, may nominate Member of Council, Vice-president and Deputy-governor of Fort William; Government to be exercised by im and Council in manner of Governments of Fort St. George and Bombay ... ... *s.* 53 96

—— Governor-general while absent from Bengal, may issue orders to Governments, or to officers and servants, without previously communicating the same to Governments; which orders are to be obeyed and have the same force as if made by Governor-general in Council at Fort William; Governor-general alone responsible for orders made on his sole authority; to transmit to respective Governments, by first opportunity, copies of orders to officers and servants, with reasons, and to Court of Directors copies of all orders whatever, also with reasons ... ... *s.* 54 *ib.*

—— may by commission issued under seal of the Supreme Court of Judicature appoint Justices of the Peace; Supreme Court to supersede commission and issue new ones on requisition of Governor-general in Council (*see* Justices of the Peace) ... ... 33 *G.* 3, *c.* 52, *s.* 151 107

—— Regulations (*see* Regulations).

—— When offices of Governor-general and Commander-in-chief of all the forces in India may be vested in the same person, the Commander of the forces on the Bengal establishment may be appointed a Member of the Supreme Council, to have rank next to Governor-general, but not to succeed to government on vacancy unless provisionally appointed; vacancy to be supplied by the Councillor next in rank to the Commander of the forces; to be subject to recall by the same persons, and in the same manner, and to have the same powers, franchises, and authorities as Member of Council, as if appointed thereto as Commander-in-chief of all the forces in India ... ... 45 *G.* 3, *c.* 36, *s.* 1 & 3 146, 147

—— Imposition of duties (*see* Duties).

Governor-general, &c.—*continued.*

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—— Governor-general and Members of Council of Fort William on 22d April, 1834, to be Governor-general and Members of Council of India 3 & 4 *W.* 4, *c.* 85, *s.* 41 421

—— and Council of India. Superintendence, direction, and control of the whole Civil and Military Government of India vested in Governor-general of India in Council ... ... *s.* 39 *ib.*

—— To be four ordinary Members of Council—three to be appointed by the Court of Directors from among such persons as are, or have been in the service of the Company, each of whom shall have been in the service ten years; if in military service, not to hold any command, or be employed in actual military duties, during continuance in office; fourth ordinary Member to be a person not previously in the service of the Company, to be appointed also by the Court of Directors, but subject to the approbation of the Crown; such fourth ordinary Member not to sit or vote in Council, except at meetings for making laws and regulations; Commander-in-chief of forces in India, or Commander-in-chief of forces on Bengal Establishment, may be appointed Extraordinary Member, to take rank next after Governor-general ... ... *s.* 40 *ib.*

—— to have power to make, repeal, and alter laws and regulations for all persons, British, Native, and Foreign,—for all Courts whether established by Royal Charter or otherwise, and for all places and things in every part of the territories under the government of the Company, and for all servants of the Company within the dominions of Princes and States in alliance therewith; but not to repeal or vary Act 3 & 4 W. 4, c. 85, nor Mutiny Acts either for forces of the Crown or of the Company, nor any Act subsequently to be passed affecting the Company's territories or inhabitants, nor any laws affecting the prerogative of the Crown or authority of Parliament, or constitution and rights of the Company; or unwritten law or constitution of Great Britain and Ireland, whereon may depend allegiance to the Crown or its sovereignty over the territories of India ... ... *s.* 43 *ib.*

—— to repeal laws and regulations disallowed by the Court of Directors, but while unrepealed such laws and regulations to have same force and effect as an Act of Parliament; registration or publication in any Court of Justice not necessary; no law giving power to any Court of Justice, except those established by Royal Charter, to sentence to death any of his Majesty's European subjects, or their children, nor which shall abolish any Court to be established by Royal Charter, to be made without previous sanction of Court of Directors ... *s.* 44, 45, 46 422

—— Rules for discharge of functions (*see* Directors and Parliament) *s.* 47 *ib.*

—— Presence of Governor-general and three ordinary Members of Council necessary to make laws and regulations; for other functions presence of Governor-general and one ordinary Member sufficient; in case of equality of votes, the Governor-general to have casting vote *s.* 48 *ib.*

—— Where Governor-general may differ from majority of Council on any question where safety, tranquillity or interests of British possessions may be

Governor-general and Council of India—*continued.*

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affected, exchange in writing, of grounds and reasons, of their opinions, to take place, to be recorded on secret consultations; if difference still continue, Governor-general may act on his own authority and responsibility ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 49 423

(*See* Governments, India, generally 33 *G.* 3, *c.* 52, *s.* 47 to 49 94, 95

— Council may assemble at any place in India; if within Subordinate Presidencies the Governor of such Presidency to act as extraordinary Member 3 & 4 *W.* 4, *c.* 85, *s.* 50 423

— Enactments, &c. relating to Governor-general of Fort William in Council, and Governor-general of Fort William alone to be applicable to the Governor-general of India in Council, and Governor-general of India alone respectively ... ... *s.* 52 *ib.*

— to take into consideration opinions of Law Commissioners, and transmit them with opinions and resolutions to Court of Directors ... *s.* 54 424

(*See also* Law Commission and Parliament.)

— On vacancy in office of Governor-general of India occurring when no successor on the spot, ordinary Member of Council next in rank to hold and execute office till arrival or appointment of a successor, and while acting to exercise all rights and powers, and to receive emoluments, foregoing his own ... ... *s.* 62 426

— On vacancy in office of Members of Council and no successor on the spot, Governors-general to make temporary appointment; person appointed to have all powers, and be entitled to all emoluments of office, foregoing those of his own; but no person to be appointed temporary Member who might not have been appointed to fill the vacancy ... *s.* 64 427

— to control civil and military administration of subordinate Presidences *s* 65 *ib.*

— to take into consideration drafts of laws from subordinate Governments and communicate resolutions thereon ... ... *s.* 66 *ib.*

— may appoint an ordinary Member of Council as Deputy-governor of Fort William, who may exercise all powers and duties, but receive no additional salary ... ... *s.* 69 428

(*See also* Governor-general and Council of Fort William.)

— Whenever Governor-general shall be about to visit any part of India without Council, such Governor-general may nominate some Member of Council, President, in whom during absence of Governor-general his powers in assemblies of Council shall be reposed; and Governor-general alone may be authorized by law to exercise all or any of the powers of Governor-general in Council, except that of making laws or regulations; during absence of Governor-general no law to be made without his assent in writing ... ... *s.* 70 428

(*See also* Act of Government of India, No. 26 of 1837, in Appendix) 622

— to take into consideration means of mitigating and extinguishing slavery, and to prepare and transmit to Court of Directors drafts of laws for the purpose, due regard being had to laws of marriage, and rights and authorities of fathers and heads of families; no such laws to be

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promulgated or put into force without previous sanction of the Court of Directors (*see also* Parliament) ... 3 & 4 *W.* 4, *c.* 85, *s.* 88 433

— Governor-general, Vice-president, and Members of Council, and all persons acting under their authority, indemnified for acts done between 22nd April, 1834, and 1st January, 1835, not in accordance with the law, and are declared valid ... 5 & 6 *W.* 4, *c.* 6, *s.* 1 & 2 450—451

(*See* Act of Government of India in Appendix, No. 1 of 1834) 607

— Governor-general in Council may appoint servant of ten years' service to be Lieutenant-governor of north-western provinces, and limit extent of territories and of authority ... ... 5 & 6 *W.* 4, *c.* 52, *s.* 2 453

— Governor-general of India in Council empowered to make laws and regulations for securing discipline and punishing offences in the Indian Navy, as fully as he may make other laws under Act 3 & 4 W. 4, c. 85, s. 43. Such laws if disallowed by Court of Directors, under control of the Board of Commissioners, to be forthwith repealed; but while unrepealed to have same force and effect as an Act of Parliament; registration or publication in Court of Justice unnecessary. No law giving power to any Court of Justice, except those established by Royal Charter, to sentence to death any of her Majesty's European subjects or their children, to be made without the previous sanction of the Court of Directors 3 & 4 *V.* *c.* 37, *s.* 43 to 46 511—512

(*See also* 3 & 4 W. 4, c. 85, s. 43 to 46, pages 421—422)

— Acts passed by Governor-general of India in Council, and printed in this collection:

No. 1 of 1834, confirming Acts done between 22nd April and 14th November, 1834 607
2 — Secretaries to Government ... ... *ib.*
4 of 1835, Justices of the Peace ... ... *ib.*
4 of 1836, Insolvent Debtors in the East-Indies 608
8 & 24 — Judicial offices ... ... *ib.* & 616
11 — Jurisdiction of Company's Courts ... ... *ib.*
14 — Customs, Bengal 609
28 — Town Assessment, Madras 616
32 — Prohibition of Importation of Sugar into territories subject to Presidency of Fort William 617
No. 1 of 1837, Justices of the Peace 619
4 — Holding of Land 620
7 — Power of Court established by Royal Charter in case of convict recommended for free pardon ... *ib.*
9 — Immoveable property of Parsees ... ... *ib.*
16 — Customs, Bengal 621
19 — Competency of Witnesses ... ... *ib.*
20 — Immoveable property in eastern settlements ... *ib.*
26 — Absence of Governor in north-western provinces ... 622
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31 — Criminal Justice 635

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No. 32 of 1838, Justices of the Peace 641
3 of 1839, Jurisdiction of Revenue Courts and Courts of Moonsiff *ib.*
15 — Prohibition of importation of sugar into territories subject to Presidency of Fort Saint George ... 642
31 — Coin 644
5 of 1840, Oaths and Declarations of Hindoos and Mahomedans 645

Governments, Subordinate, to obey the orders of the Governor-general in Council of Fort William, touching the commencement of hostilities, declaration of war, or the making of peace with the Native Princes; these several Acts not to be committed by the Subordinate Governments, except in cases of imminent necessity, or where they shall have received special orders from home; parties offending in any of such cases liable to be suspended from his or their office, by the order of the Governor-general in Council 13 *G.* 3, *c.* 63, *s.* 9 29

— not to make war or peace, nor conclude a treaty, except in cases of emergency or danger, but under orders from the Governor-general in Council of Fort William, or Court of Directors, or Secret Committee; every treaty, if possible, to contain a clause subjecting it to ratification or rejection by Governor-general in Council of Fort William; to obey orders of Governor-general in Council concerning such matters; in case of refusal or neglect, Governors, Councillors, and other Officers, to be liable to be removed or suspended by Governor-general in Council, and sent to England, and to be subject to such further pains and penalties as shall be provided by law ... ... 33 *G.* 3, *c.* 52, *s.* 43 93

— to transmit to Supreme Government advice and intelligence of all transactions and matters relating to the government, revenues, or interests of the Company ... ... 13 *G.* 3, *c.* 63, *s.* 9 29
33 *G.* 3, *c.* 52, *s.* 44 93
3 & 4 *W.* 4, *c.* 85, *s.* 68 428

— to have the same powers with regard to suspected persons as Governor-general and Governor-general in Council (*which see*) 33 *G.* 3, *c.* 52, *s.* 46 94

— Governors and Members of Council to be Justices of the Peace (*see* Justice of the Peace).

— may appoint Justices of the Peace (*see* Justice of the Peace).

— Executive Governments of Presidencies to be administered by a Governor and three Councillors, having same rights and voices, and observing same course and order in their proceedings as previously observed at Fort St. George and Bombay; Governor-general of India for the time being to be Governor of Fort William ... 3 & 4 *W.* 4, *c.* 85, *s.* 56 425

— Council may be suspended, revoked, or reduced in number, by Court of Directors ... ... *s.* 57 *ib.*

— When Council suspended at any Presidency, Government to be administered by Governor alone ... ... *s.* 57 *ib.*

— Governors on 22nd April, 1834, to continue in office ... *s.* 58 *ib.*

— When Council suspended or none appointed, Governors of Presidencies to possess rights, powers, duties, functions, and immunities, previously

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enjoyed by Governors in Council of Fort St. George and Bombay not repugnant to Act ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 59 425

—— Governors and Members of Council to have all rights, powers, and immunities of Governors and Members of Council of Fort St. George and Bombay ... ... *s.* 59 *ib.*

—— But not to make or suspend regulations or laws, except in case of urgent necessity, and then only till the decision of the Governor-general of India in Council shall be signified; nor to create any new office, nor grant any salary, gratuity, or allowance, without previous sanction of Governor-general of India in Council ... ... *s.* 59 *ib.*

—— On vacancy of office of Governor, where no successor on the spot, the Member of Council next in rank (if there be a Council), to hold and execute office till successor arrive or be appointed; if no Council, the senior Secretary to act as Governor; acting Governor entitled to emoluments of office, foregoing his own ... ... *s.* 63 426

—— to obey orders and instructions of Governor-general of India in Council in all cases whatever ... ... *s* 65 427

—— may propose drafts of laws, with reasons ... ... *s.* 66 *ib.*

—— Powers of Governors not to be suspended by visits of Governor-general to Presidencies ... ... *s.* 67 428

Governors of Plantations, Lieutenant-governors, Deputy-governors, or Commanders-in-Chief guilty of oppression, crimes, and offences towards her Majesty's subjects may be tried in England by the King's Bench, or by a Commission, and punished as for like offences, &c. committed at home ... ... 11 & 12 *W.* 3, *c.* 12 16

—— or Deputy-governors of any of the settlements, presidencies, territories or plantations of the East-India Company incapable of being elected or sitting, or voting as Member of the House of Commons while holding office 10 *G.* 4, *c.* 62, *s.* 1 339

—— election and return void, and person sitting or voting in contravention of Act liable to penalty of £500 ... ... *s.* 2 *ib.*

—— fees and presents (*see* Fees and Presents).

—— Acts done by, after the demise of the Crown valid, and thereafter their commissions to continue in force until eighteen months after such demise 1 *W.* 4, *c.* 4, *s.* 1, 2 353, 354

Gratuities (*see* Salaries, Allowances, and Gratuities, *also* Presents).

Guarantee Fund (*see* Security Fund).

Haileybury (*see* Civil Service *and* College).

Home Expenses of Company—Directors to frame and submit to the Board an Estimate of the gross sum annually required for salaries and expenses; if amount reduced reasons to be given; amount to be applicable at discretion of Directors; and Board not to interfere with or control particulars; accounts to be kept and rendered, as of other branches of Company's expenditure ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 37 420

Homicide (*see* Offences against the Person).

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House-breaking (*see* Larceny).

India Banks (*see* Banks in India).

India Debt (*see* Debt).

India-built Ships (*see* Seamen *and* Shipping).

Indian Navy.—Governor-general of India in Council empowered to make laws and regulations for securing discipline and punishing offences in the Indian Navy, as fully as he may make other laws under 3 & 4 W. 4, c. 85, s. 43 3 & 4 *V. c.* 37, *s.* 43 511

—— Such laws and regulations if disallowed by Court of Directors, under control of the Board, to be forthwith repealed; but until repealed to be of same force as an Act of Parliament; registration or publication in Courts of Justice not necessary ... ... *s.* 44 & 45 512

—— Until such laws and regulations shall have been made, the Act 3 & 4 V. c. 37, and the Rules and Articles of War to be made by virtue thereof, to extend and be applied to the Indian Navy ... ... *s.* 47 513

—— Provisions of 3 & 4 V. c. 37, s. 48 to 52, as to effects of deceased officers and soldiers (which see, pages 513 to 515), extended to officers, engineers, soldiers, marines, seamen, and all others belonging to the Indian Navy *s.* 53 515

Insolvent Debtors, in India.—Supreme Court at Fort William and Madras, and Recorder's Court at Bombay, may make rules and orders for administering relief intended by 32 G. 2, c. 28, commonly called the Lords' Act; such rules and orders to be transmitted for the Royal approbation, and to be in force till reversed or varied 39 & 40 *G.* 3, *c.* 79, *s.* 23 139

—— Former proceedings of Courts in India for Relief of Insolvent Debtors, ratified and confirmed ... ... *s.* 24 *ib.*

—— No debtor or creditor to petition under the Lords' Act 1 & 2 V. *c.* 110, *s.* 119 *ib.*

—— Courts for their relief to be held within the respective limits of the towns of Calcutta, Madras, and Bombay; Supreme Court to appoint officers to transact the business of the Courts, and to act as common assignees, examiners, &c.;—Insolvent Court empowered to administer oaths and examine witnesses on oath or affirmation; to issue commissions to take evidence, or force attendance of witnesses and production of books, papers, &c., and to summon and examine insolvent debtor, his wife, or other party able to give information as to his debts, estate, &c.;—Court empowered to fine in a summary way, or commit to common gaol all persons guilty of contempt of Court; to fine in a summary way, and to remove any of their officers for misconduct; but not to have the power to award costs, except under rules from Supreme Court ... 9 *G.* 4, *c.* 73, *s.* 1 283

—— Court to be held once a month, or oftener, in Calcutta; and as often as necessary at Madras or Bombay, by any one Judge of the Supreme Court; to adjourn from time to time as they may see fit; advocates and attornies of the Supreme Court only to practice in Insolvent Court;—rules of proceedings, and list of fees to be established by Supreme Court, and transmitted for approval of the Crown, and copies to be fixed in conspicuous places in Court ... ... *s.* 2 284

—— Parties interested in any petition for relief may require the whole evidence to

Insolvent Debtors—*continued.*

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be taken in writing by a sworn officer of the Court; should such parties within one calendar month not present petition or appeal, Court may order payment of the reasonable costs and expenses thereof out of the money deposited for that purpose; the overplus, if any, to be returned to the depositor ... ... 9 *G.* 4, *c.* 73, *s.* 3 285

—— Parties aggrieved by any adjudication, order, or proceeding, may petition the Supreme Court, whose order shall be final and conclusive as to all parties, and be compulsory and binding upon Insolvent Court *s.* 4 *ib.*

—— Parties in prison at the time appointed for the Act to take effect, may petition the Court for the relief of Insolvents ... ... *s.* 5 *ib.*

—— Insolvent persons who will deliver up instant possession of property to the amount of half their debts, may petition jointly or severally without being in prison ... ... *s.* 6 286

—— Those who petition jointly may be required to file sole petition also *s.* 7 *ib.*

—— No debt due to the King, nor any fines, penalties, forfeitures, and recognizances, to be deemed debts for the purposes of this Act ... *s.* 8 *ib.*

—— At the time of presentation of petitions, insolvent to assign to the common assignee of the Court, all his real and personal estate, effects, &c. *s.* 9 *ib.*

—— lying in prison twenty-one days for debt, or departing the jurisdiction with intent to defeat or delay any creditor, deemed an act of insolvency, on which creditor may petition ... ... *s.* 10 287

—— Upon such adjudication, the Court to be invested with the same powers as if insolvent had petitioned ... ... *s.* 11 *ib.*

—— The filing a petition by an insolvent, whether in custody or not, to be accounted an act of bankruptcy ... ... *s.* 12 *ib.*

—— Commission of bankruptcy may issue on certificate or proof of debt by an Indian creditor ... ... *s.* 13 288

—— Commission not to invalidate or make void proceedings of Insolvent Court, and assignees protected for acts done prior to the commission *s.* 14 *ib.*

—— Creditors of insolvents whose debts have been allowed in Court, to receive equal dividends with creditors under any commission of bankrupt *s.* 15 *ib.*

—— Insolvent declared bankrupt, upon filing petition to Court only, not required to surrender, or be liable to penalty, till forty-two days after he shall have come into some part of the United Kingdom ... ... *s.* 16 289

—— Creditors and Commissioners may sign bankrupt's certificate if satisfied with insolvent's examination ... ... *s.* 17 *ib.*

—— No Indian creditor, except the petitioning creditor, if resident, to vote on the choice of assignees ... ... *s.* 18 *ib.*

—— Where one member of a partnership shall be resident within the limits; partnership to be accounted and taken as a creditor resident in India *s.* 19 *ib.*

—— Notices of petitions for relief; and of every adjudication of an act of insolvency, and for every confirmation or revocaton thereof to be inserted in the *Gazettes* of the Presidencies, two or more of which to be sent home without delay for insertion in the *London Gazette.* Production of *London Gazette* containing such notices to be sufficient evidence *s.* 20 & 21 289

Insolvent Debtors—*continued.*

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—— Where petitioner shall be possessed of real or personal estate in United Kingdom, and no commission of bankruptcy shall issue, assignees may administer the estate ... ... 9 *G.* 4, *c.* 73, *s.* 22 290

—— After assignment of estate, &c., or after adjudication of insolvency, the Court may order part of insolvent's effects, not exceeding in value in the whole the sum of 1,000 sicca rupees, to be left in his possession, upon certificate of assignees that they have been put into possession of effects, &c., of the amount of half insolvent's debts ... *s.* 23 *ib.*

—— Court may upon such certificate give insolvent a protection from arrest *s.* 24 *ib.*

—— Upon assignment being made and possession certified, Court may discharge debtors from prison, such certificate to be revoked or annulled if unfairly obtained or improperly used ... ... *s.* 25 *ib.*

—— General effect of the assignment ... ... *s.* 26 291

—— Offices, appointments and benefices under the Crown or the Company, if saleable, to pass to the assignees, and if not, the Court may order such proportion as they shall think just and right ... ... *s.* 27 *ib.*

—— Voluntary transfer, assignment, &c., of property to any creditor or other person, or to any person in trust for the use or advantage of any creditor declared fraudulent and void as against the common assignee *s.* 28 *ib.*

—— No distress for rent, due before filing the petition or adjudication, shall be made after the assignment ... ... *s.* 29 292

—— Court may remove the assignees and appoint others; suits shall not abate by the death or removal of assignees ... ... *s.* 30 *ib.*

—— Petitioners to deliver schedules of their property, to be subscribed with their names and filed in the Court ... ... *s.* 31 *ib.*

—— Insolvent may file schedule after adjudication, in the same manner as if he had presented a petition for relief ... ... *s.* 32 293

—— After the petition and schedule are filed the Court to give notice to the detaining creditor, and appoint a day for hearing the same. Notice also to be twice published in the *Gazette* of the Presidency *s.* 33 *ib.*

—— Insolvent to be heard by himself or counsel on the day fixed for hearing the petition; Court may order attendance of witnesses whose necessary expenses shall be tendered, in like manner as by law is required upon service of subpœna to a witness in an action at law ... *s.* 34 293

—— Where creditor shall reside more than one hundred miles from the Court, or be incapable from sickness or infirmity of attending, Court may receive his affidavit or solemn affirmation ... ... *s.* 35 294

—— Where mutual credit has been given, one debt or demand may be set against the other ... ... *s.* 36 *ib.*

—— Creditors may claim although omitted by the insolvent in schedule, and receive dividend rateably with other creditors ... ... *s.* 37 *ib.*

—— Court upon hearing may adjudge the insolvent entitled to benefit of Act, order his immediate discharge, or dismiss or amend the petition, or order the insolvent to amend schedule, and hear petition on future day; Court may remand insolvent to prison until further hearing, or until

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final order be made, and order reasonable allowance, not exceeding five sicca rupees a week to be allowed for maintenance of insolvent 9 G. 4, c. 73, s. 38 294

—— Public notice to be given of the order upon any such hearing ... s. 39 295

—— Discharge may extend to sums payable by way of annuity, regard being had to the original price given, deducting such diminution in the value as shall have been caused by lapse of time since the grant to the filing of the petition ... ... s. 40 *ib.*

—— Any actions which may have been brought upon claims admitted in the schedules shall be discontinued, and the plaintiff to pay all costs incurred subsequent to his having notice of such hearing and order s. 41 296

—— Assignees may seize all the real and personal estate and effects of insolvent s. 42 *ib.*

—— Court may sell the reputed property of the petitioner for benefit of creditors; not to invalidate or affect any transfer or assignment of any ship, &c., as security for debts, either by way of mortgage or assignment s. 43 *ib.*

—— Property mortgaged, pledged, &c., with power of redemption, may be redeemed by assignees ... ... s. 44 *ib.*

—— Where a petitioner is beneficially entitled to Stock, Court may order transfer thereof to assignees ... ... s. 45 *ib.*

—— Assignees after the hearing of petition and schedule, may make composition, with consent of creditors, for the rights and dues of the petitioners s. 46 297

—— Assignees, with the approbation of the Court and consent of creditors, may prosecute and defend actions at law, and suits in equity, in same manner as insolvent ... ... s. 47 *ib.*

—— Assignees may execute powers vested in insolvent, and sell from time to time, as possession is obtained, the property of insolvent, unless the Court direct otherwise ... ... s. 48 & 49 297

—— Court may consider all circumstances affecting the property of insolvent, and if it shall think proper defer the sale thereof, or put it under temporary management, or authorize money to be raised by mortgage to pay debts s. 50 298

—— Accounts to be kept by assignees and rendered to Court; may be inspected by creditors at seasonable times; assignees may be attached and committed to prison should they not appear and produce books, &c. when summoned ... ... s. 51 *ib.*

—— Court may declare dividends; but not to creditors from separate estate until separate creditors paid in full *nor è converso* s. 52 & 53 298, 299

—— Court may reserve a part of his property until after twelve months' notice in the *London Gazette* of the petition of insolvent ... s. 54 299

—— Court may determine in what manner the money of absent creditors shall be kept for their use ... ... s. 55 *ib.*

—— Assignees to make compensation to the petitioners or their creditors for losses occasioned by misconduct ... ... s. 56 300

—— In cases of fraud, concealment of property, or destruction of documents, in-

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solvent may be detained at the suit of creditors for such period, not exceeding three years from date of petition, as Court shall direct 9 *G*. 4, *c*. 73, *s*. 57 300

— In other cases discharge to be at any period not later than two years from date of petition ... ... *s*. 58 *ib.*

— In cases where insolvent is to remain in custody for a period not exceeding three years, Court may order taxed costs to be paid to creditors out of estate, before dividends made; and in other cases if they shall see fit; in cases of frivolous opposition costs may be awarded to be paid by creditors to insolvent ... ... *s*. 59 301

— Court to make order for discharge of insolvent pursuant to adjudication, and issue warrant to gaoler accordingly; cases of detainer to be specified in warrant ... ... *s*. 60 *ib.*

— Adjudication for discharge of insolvent and order therein to be final, unless obtained on false evidence, &c., in which case Court may order a re-hearing ... ... *s*. 61 *ib.*

— On application of the assignee, insolvent may be examined on oath, as to his estate and effects ... ... *s*. 62 302

— In cases where property of insolvent shall have produced sufficient to pay three-fourths of debts proved, or where creditors to the amount of more than half in number and value of debts shall consent in writing, Court may discharge insolvent from all liability, but not to affect right of creditors residing out of the limits at the time ... ... *s*. 63 303

— Insolvent if sued after final order may plead such order, and give copy in evidence; and on obtaining verdict in favour, or bill dismissed, or nonsuit, defendant to be adjudged to have treble costs ... *s*. 64 *ib.*

— Where it shall have been adjudged that insolvent shall be discharged at a future period, the petitioner to be liable to be detained in prison at suit of creditors till period arrives ... ... *s*. 65 *ib.*

— Court may order detaining creditor to pay prisoner a sum not exceeding five sicca rupees a-week, in failure of which payment insolvent to be discharged ... ... *s*. 66 *ib.*

— Special provisions for insolvent married women, and for insolvent lunatics *s*. 67 & 68 304

— Warrants of attorney and cognovits in personal actions, to be void unless filed together with an affidavit of the time of execution, within six weeks, with prothonotary, or proper officer of Court in which judgment is confessed or action pending ... ... *s*. 69 305

— Warrants or cognovits to be registered by prothonotary, &c.; books to be searched and viewed at all times on payment of legal fees ... *s*. 70 *ib.*

— Court in which they are filed may order memorandum of satisfaction of the debt to be endorsed ... ... *s*. 71 *ib.*

— Penalties for perjury; and for embezzlement or concealment of effects; fines after deducting cost of prosecution to be paid to assignees for benefit of creditors, &c. ... ... *s*. 72, 73, 74 305, 306

— Mode of taking affidavits and affirmations ... ... *s*. 75 *ib.*

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— No person having had the benefit of this Act, to be entitled again to its benefits till five years after discharge, except in certain cases 9 G. 4, *c.* 73, *s.* 76 306

— In actions under this Act the general issue may be pleaded; if plaintiff be nonsuited, discontinue action, or judgment be given for defendant, the defendant shall have treble costs ... ... *s.* 77 307

— Officers of Court on reasonable request of insolvent, creditors, or attornies, to produce proceedings and give copies on payment of fees; to be signed by officer or deputy, and sealed, and to be admitted in all Courts and before Commissioners of Bankrupt and Justices of the Peace as evidence of the same ... ... *s.* 78 *ib.*

— Proceedings not liable to Stamp duty; nor sale of real or personal estate of insolvent to Auction duty ... ... *s.* 79 *ib.*

— Supreme Courts may make rules for facilitating relief intended to be given by Act in cases for which sufficient provision has not thereby been made ... ... *s.* 80 *ib.*

— Act to continue in force till 1st March, 1833 ... ... *s.* 81 308

— Act 9 G. 4, c. 73, continued in force till 1st March, 1836 2 *W.* 4 *c.* 43, *s.* 1 355

— Any insolvent, within the meaning of the 9 G. 4, c. 73, may petition the Court for his discharge after three months from making assignment of property for benefit of his creditors; notice of petition to be inserted in *Gazette of Presidency*, and copies of *Gazette* to be sent home for publication in the *London Gazette;* creditors who shall not dissent within fourteen months from time of filing petition, to be deemed to assent; Court may then order discharge, unless one-sixth of creditors dissent, or a fiat in bankruptcy issue under General Bankrupt Act; order of Court to operate as a release and discharge from all debts both in India and elsewhere; but not to discharge partners, or others jointly bound or liable with him ... ... 4 & 5 *W.* 4, *c.* 79, *s.* 1 446, 447

— If any fiat of bankruptcy shall be issued under Insolvent Act, then the discharge to be confined to India, but on the order of discharge being proved to the Commissioner, and on his signing the Bankrupt's certificate, such certificate is to be a general discharge from all debts; in case there is no bankruptcy, the order of discharge to have effect every where *s.* 2 to 4 448

— In case of fiat under Bankrupt Act against insolvent, within eight months from filing petition, or of adjudication of insolvency being made, and such insolvent being duly adjudged a bankrupt, the Court in such cases not authorized to make order for discharge; but no fiat to issue against a trader who is already before the Insolvent Court, after the eight months from the petition for discharge ... ... *s.* 5 & 6 449

— Schedules of debts, estates, and effects, to be sent to Court of Directors, to be open to inspection of creditors in England ... ... *s.* 7 *ib.*

— Act and Amending Act continued till 1st March, 1839, and thence until the end of the then next Session of Parliament; Acts done subsequently to the expiration of the former Acts rendered valid 6 & 7 *W.* 4, *c.* 47 161, 162

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—— Further continued till 1st March, 1845, and thence until the end of the then next Session of Parliament ... ... 3 & 4 *V. c.* 80 522

(*See* Act of Government of India, No. IV. of 1836, in Appendix) ... 608

—— in England (*see* Stock).

—— Assignees not entitled to pay, half-pay, salary, emoluments, or pension of any person having been in the naval or military service of the Company, or employed in any way under the Court of Directors; but so much thereof may be ordered to be paid to the assignees as the Court of Directors' consent in writing may warrant; order and consent to be lodged with the Secretary ... ... 1 & 2 *V. c.* 110, *s.* 56 476

—— in Ireland, assignees of insolvents being in the naval, military, or civil service of the Company, not entitled to their pay or pension; but the Court may order such portion thereof to be paid them as the Court of Directors, by writing under the hand of their Secretary, may consent to, which order being lodged in the office of the Secretary, shall be so paid until Court for relief of Insolvent Debtors may order to the contrary

1 & 2 *G.* 4, *c.* 59, *s.* 47 232

3 & 4 *V. c.* 107, *s.* 44 535

Insolvency of Gilbert Ricketts, Esq. (*see* Ricketts, Gilbert).

Interest on loans of monies in India—no British subject to take more than £12 per cent. per annum for the loan of any monies, wares, merchandize, or other commodities; securities for repayment of principal or interest thereupon at higher rate, to be void, and persons by deceit or covin taking higher rate, to forfeit for every offence treble the value of loan, &c., one moiety to the Company, the other to the party suing; if no action brought within three years, party aggrieved may sue for the recovery of all sums of money paid over and above legal rate of interest

13 *G.* 3, *c.* 63, *s.* 30 33

—— Actions not to be compromised without the order or consent of the Supreme Court; persons offending liable to fine and imprisonment at the discretion of the Supreme Court ... ... *s.* 31 *ib.*

(*See also* Debt).

—— on bond debt (*see* Bond Debt).

Judges of Courts in India, restricted from trade ... 33 *G.* 3, *c.* 52, *s.* 137 104

—— may become shareholders in banks, but Judges of his Majesty's Courts not to be directors or managers (*see* Banks) 47 *G.* 3, *sess.* 2, *c.* 68, *s.* 9, 10 151

—— of Supreme Court of Fort William to be Justices of the Peace (*see* Justices of the Peace).

Judicial Committee of the Privy Council (*see* Appeals).

Jurisdiction of Bishops of Calcutta, Madras and Bombay (*see* Ecclesiastical Establishment).

—— of Supreme Courts in India (*see* Courts of Judicature).

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JURY. Offences and misdemeanors laid in the Supreme Court to be tried by Jury 13 *G.* 3, *c.* 63, *s.* 34 — 34

—— All good and sufficient persons resident in Calcutta, Madras and Bombay, not being subjects of foreign States, eligible for jurors, subject to rules 7 *G.* 4, *c.* 37, *s.* 1 — 272

—— Supreme Courts to make rules as to qualification, appointment, &c.: certified copies to be laid before Crown; rules to be valid till repealed or varied ... ... *s.* 2 — *ib.*

—— Provision that Grand Juries in all cases, and all juries for trial of Christians, should consist of Christians, repealed ... 2 & 3 *W.* 4, *c.* 117, *s.* 2 — 363

JUSTICE, Charters of, for Supreme Courts at Calcutta 539

—— ... ... at Madras 556

—— ... ... at Bombay 569

—— ... Recorder's Court at Prince of Wales' Island ... 570

—— Chief, and Judges of Supreme Court of Fort William, guilty of offences, may be tried in Court of King's Bench in England 13 *G.* 3, *c.* 63, *s.* 39 — 35

—— to act as Justices of the Peace ... ... *s.* 38 — *ib.*

—— Criminal (*see* Criminal Justice).

JUSTICES OF THE PEACE IN INDIA. Governor-general and Council, Chief Justice and other Judges to be ... ... 13 *G.* 3, *c.* 63, *s.* 38 — 35

—— Governor-general in Council of Fort William by Commission issued under seal of the Supreme Court of Judicature may appoint; Supreme Court to supersede Commission, and issue new one on requisition of Governor-general in Council; Commissions to be filed in respective Courts of Oyer and Terminer and Gaol Delivery; persons nominated not to hold any Court of Oyer and Terminer and Gaol Delivery, nor sit in such Court unless called upon by the Justices of the Court; but when so called, shall sit and have a deliberative voice, being first specially authorized by Order in Council ... ... 33 *G.* 3, *c.* 52, *s.* 151 — 107

—— No person to act as Justice of the Peace till he has taken requisite oaths in Courts of Oyer and Terminer ... ... *s.* 152 — 109

—— Or in any Civil or Criminal Court of Justice in the provinces for which Commission may be issued, and before any other Justice of the Peace 53 *G.* 3, *c.* 155, *s.* 112 — 197

—— Proceedings of Justices of the Peace may be removed by *certiorari* to Court of Oyer and Terminer within six months 33 *G.* 3, *c.* 52, *s.* 153 — 109

—— Recognizances to be entered into before granting writs of *certiorari* *s.* 154 — 110

—— Governor-general in Council, and Governors in Council may call Justices of the Peace to sit with them in hearing and determining appeals *s.* 155 — *ib.*

—— may appoint scavengers, order watching and repairing of streets, and make assessments not exceeding in the whole in any one year one-twentieth part of the gross annual value of the property assessed; Governor-general in Council or Governor in Council may on urgent occasions authorize further assessment, not exceeding in one year half the amount of ordinary annual assessment; collection to be made and money employed under direction of Justices; and assessments may be raised by

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warrants of Justices, under hand and seal, by distress and sale 33 *G.* 3, *c.* 52, *s.* 158 111

—— No spirituous liquors to be sold within Calcutta, Madras and Bombay without licence from; legal powers to be put in force against unlicensed traders; Justices to determine limits of towns and factories ... *s.* 159 112

—— No corporal punishment to be inflicted but upon due conviction before Justices of Fort William; no conviction to be reversed or brought into any Superior Court ... ... 39 & 40 *G.* 3, *c.* 79, *s.* 19 138

—— Governors and Members of Council of Fort St. George and Bombay to be Justices of Peace ... ... 47 *G.* 3, *sess.* 2, *c.* 68, *s.* 4 148

—— Governor in Council of Fort St. George and Bombay may appoint Justices of the Peace in like manner as at Fort William (which *see* above), and subject to the same rules, restrictions, and regulations ... *s.* 5 149

—— Duties of, on charges of felony ... ... 9 *G.* 4, *c.* 74, *s.* 2 & 3 308—309

—— On charges of misdemeanor ... ... *s.* 4 & 40 309—316

—— may be fined for offending against this Act ... ... *s.* 6 309

—— Duty in regard to summary proceedings ... ... *s.* 41 *to* 50 317—319

—— Any persons resident in the British possessions under the government of the Company, and not being subjects of foreign states, may be appointed Justices at the discretion of the Local Government: to take such oath or affirmation as may be from time to time prescribed 2 & 3 *W.* 4, *c.* 117, *s.* 1 362

—— for the town of Calcutta from 14th March, 1835, the criminal powers of two vested in one such Justice *Act of Government of India*, No. 4 *of* 1835, *in Appendix* 607

—— for the town of Calcutta; lawful for any one of them to issue a warrant of distress for the recovery of arrears of assessment *Ibid.* *No.* 1 *of* 1837, *in Appendix* 619

—— Power given to Justices of the Peace for Calcutta by Regulation No. 4 of 1835, and 1 of 1837, extended to Justices of Bengal, Behar, and Orissa, and within for the Presidency of Fort William in Bengal *Act of Government of India, No* 32 *of* 1838, *in Appendix* 641

KING'S BENCH (*see* Court of King's Bench).

LANDS (*see* Company and Residence).

LARCENY. Distinction between grand and petty larceny abolished; simple larceny punishable at the discretion of the Court by transportation for any term not exceeding seven years, or by imprisonment for any term not exceeding two years, and if offender a male, to be once, twice, or thrice publicly or privately whipped, in addition to imprisonment 9 *G.* 4, *c.* 74, *s.* 77, 78 325

—— Stealing public or private securities for money, or warrants for goods, deemed felony, punishable as for stealing goods ... ... *s.* 79 326

—— Robbery from the person, of any chattel, money, or valuable security, punish-

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able by death as a felon. Assaults with intent to rob, and demands accompanied with menaces or force, deemed felony, and punishable by transportation, imprisonment, &c. ... 9 *G.* 4, *c.* 74, *s.* 80 326

—— Obtaining money, &c. by threatening to accuse a party of an infamous crime, guilty of robbery; offender to be indicted and punished accordingly *s.* 81 *ib.*

—— Persons knowingly sending or delivering letters threatening to accuse a party of an infamous crime for the purpose of extorting money, &c. guilty of felony. What shall be deemed an infamous crime ... *s.* 82, 83 326—327

—— Burglary, felony. Death ... ... *s.* 84 *ib.*

—— Housebreaking and stealing in a house capital, where the property taken shall amount to fifty sicca rupees, or more—death ... ... *s.* 85 *ib.*

—— No building deemed part of a house unless directly communicating therewith *s.* 86. *ib.*

—— Robbery in a building within the same curtilage, but not privileged as part of the house, transportation, &c. ... ... *s.* 87 *ib.*

—— Robbery in a shop, warehouse, or counting-house, transportation, &c. *s.* 88 *ib.*

—— Stealing goods or merchandize from a vessel in port, river, or canal, or from wharfs, &c.; transportation, &c. ... ... *s.* 89 328

—— Plundering the tackle or cargo of a wrecked or stranded vessel, felony—death. Stealing articles of small value cast on shore, without cruelty, outrage, or violence, punishable as a simple larceny ... *s.* 90 *ib.*

—— Persons in possession of shipwrecked goods, not satisfactorily accounting for them, to forfeit and pay over and above their value any sum not exceeding 200 sicca rupees ... ... *s.* 91 *ib.*

—— Shipwrecked goods offered for sale may be seized and ordered by a Justice to be restored to the owner on payment of a reasonable reward; party offending to be fined as by last section ... ... *s.* 92 *ib.*

—— Stealing and destroying records, &c. of Courts of Justice, misdemeanor, transportation, or fine or imprisonment, or both ... *s.* 93 *ib.*

—— Stealing or destroying wills, or writings relating to any real Estate, a misdemeanor, punishable in like manner ... ... 94—95 329

—— Provision as to wills, &c. not to lessen any remedy at law or in equity which the aggrieved party now has; conviction not to be evidence in actions against offender; offender not to be convicted by evidence disclosed by himself ... ... *s.* 96 *ib.*

—— Stealing dogs, or beasts, or birds ordinarily kept in confinement, and not the subjects of larceny, on conviction before Justice for first offence fine not exceeding 200 sicca rupees; subsequent offences imprisonment with hard labour not exceeding twelve months and whipping ... *s.* 97 *ib.*

—— Stealing, &c. glass or wood work from buildings, and metal fixtures from ground, felony, punishable as larceny ... ... *s.* 98 330

—— Clerks and servants stealing their master's property, transportation not exceeding fourteen years, or imprisonment and whipping *s.* 99 *ib.*

—— On receiving money, &c. on their master's account and embezzling it, to be punished in like manner. Distinct Acts of embezzlement not exceeding

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three may be charged in the same indictment; allegation and proof of property embezzled ... 9 *G.* 4, *c.* 74, *s.* 100—101 330

— Agents embezzling money entrusted to them for a special purpose, or embezzling goods or valuable public securities; misdemeanor. Transportation, &c. ... ... *s.* 102 331

— not to affect trustees or mortgagees; nor bankers, &c. receiving money due on securities, or of disposing of securities on which they have a lien ... ... *s.* 103 *ib.*

— Factors or agents pledging for their own use goods or documents relating to goods entrusted to them for sale, misdemeanor, transportation, or fine, or imprisonment, or both. Not to extend to cases where the pledge does not exceed the amount of the lien ... ... *s.* 104 *ib.*

— Provisions as to agents, &c., not to lessen any remedy by the party aggrieved, but conviction not to be receivable in evidence in actions; offender not to be convicted by evidence disclosed by himself ... *s.* 105 332

— Obtaining money, &c., by false pretences, misdemeanor ... *s.* 106 *ib.*

— Where the original offence is felony, receiver of stolen property may be tried either as an accessory after the fact, or for a substantive felony. Transportation, &c. ... ... *s.* 107 *ib.*

— Where the original offence of stealing or converting is a misdemeanor, receiver may be prosecuted for a misdemeanor whether the principal be convicted or not ... ... *s.* 108 *ib.*

— Receiver may be tried where the principal is triable, or where the property is found in his possession, or where the receiving takes place *s.* 109 333

— Owners of stolen property prosecuting thief or receiver to conviction, to have restitution of his property; except as to *bonâ fide* payment or transfer of valuable securities ... ... *s.* 110 *ib.*

— Taking a reward for helping to the recovery of stolen property, without bringing offender to trial, felony, transportation, &c. ... *s.* 111 *ib.*

— Penalty of five hundred sicca rupees in advertizing a reward for the return of stolen property without inquiry, &c. ... ... *s.* 112 334

(*See also* Act of Government of India No. 31 of 1838, in Appendix, in connexion with sections 80, 81, 84, 85, 90, of Act 9 G. 4, c. 74). 635

LASCARS (*see* Seamen. Asiatic).

LAW COMMISSION to be issued to persons recommended by Court of Directors, with approbation of Board of Control, and to such other persons if necessary as the Governor-general in Council shall think fit; number not to exceed five; to be styled "The India Law Commissioners;" to inquire into jurisdiction, powers, and rules of existing Courts and Police Establishments, forms of judicial procedure, nature and operation of Laws, civil, criminal, written or customary, to report results, and suggest alterations, regard being had to caste, religion, manners, and opinions among different races and in different parts; to follow instructions of Governor-general in Council, and to make special reports when required. Governor-general of India in Council to grant salaries to Commissioners and their necessary officers and attendants, and to defray such other

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expenses as may be incident to the Commission. Salaries of Commissioners to be according to the highest remuneration given below the rank of Member of Council ... 3 & 4 *W.* 4, *c.* 85, *s.* 53, 54, 55 424

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LETTER OF ATTORNEY (*see* Ballot, Directors, Election, *and* Stock).

LETTERS PATENT establishing Supreme Court of Judicature at Calcutta 539

—— —— ... ... at Madras 556

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—— Recorder's Court at Prince of Wales' Island, Singapore, and Malacca ... 570

—— establishing a Bishopric for the whole of the British territories in the East-Indies, and one Archdeaconry for each of the Presidencies of Bengal, Madras, and Bombay 586

—— respecting Bishoprics of Calcutta, Madras, and Bombay 590

LICENCES. Counterfeiting, erasing, or altering licences or certificates, or attested copies, punishable with fine and imprisonment 9 *G.* 4, *c.* 74, *s.* 76 325
(*See also* Residence).

LIME STREET. Company to widen and pave part of it, but not to be liable to pay future repairs thereof ... ... 36 *G.* 3, *c.* 119, *s.* 15 & 16 117

LIMITS OF TOWNS OF CALCUTTA, MADRAS, AND BOMBAY, to be determined by Governments ... ... 33 *G.* 3, *c.* 52, *s.* 159 112

—— may be extended by Local Governments, after which all jurisdictions and powers bounded by limits of towns shall be regulated by the new limits, but no order or regulation to be valid unless sanctioned or authorized to be made by the Court of Directors, with approbation of the Board
55 *G.* 3, *c.* 84, *s.* 1 203

LITERATURE. One lac of rupees to be set apart annually for its revival and improvement, encouragement of learned Natives, and introduction and promotion of knowledge of the sciences; schools, public lectures, and other institutions for the purpose, to be governed by rules framed by Governor-general in Council, subject to powers vested in Board of Commissioners; all appointments to schools, lectureships, or institutions to be made by Governments under which they are situated
53 *G.*3, *c.* 155, *s.* 43 172

LOANS OF MONEY in India (*see* Interest *and* Native Princes).

LOCAL GOVERNMENTS (*see* Governments).

LOT. On equality of votes in any General Court, or Court of Directors, determination to be by lot ... ... (*Charter*) 10

—— But only in cases of election to office or places where there shall be more than one candidate ... ... 53 *G.* 3, *c.* 155, *s.* 77 179

LUNATICS, except parish paupers, not to be received into any licensed house without order and medical certificate in prescribed form
2 & 3 *W.* 4, *c* 107, *s.* 27 & 28 359

—— Act not to extend to Royal Hospital of Bethlehem, nor Royal Military, or Naval Hospital, nor County Lunatic Asylums, nor Public Hospitals, nor

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Charitable Institutions, except as to visitations and transmission of reports ... ... 2 & 3 *W.* 4, *c.* 107, *s.* 62 & 63 360

—— Act continued till 10th August, 1841, and from thence to the end of the then next Session of Parliament ... ... 1 & 2 *V. c.* 73 472

(*See also* Stock).

MADRAS (*see* Governments, Subordinate, and Limits).

MAGISTRATES (*see* Court, Supreme, of Fort William, Justices of the Peace, and Residence).

MALACCA, transferred to the East-India Company ... 5 *G.* 4, *c.* 108, *s.* 1 252

—— Annexed to Prince of Wales' Island ... *G.* 4, *c.* 85, *s.* 21 265

—— Provision may be made by Crown for administration of justice in Singapore and Malacca ... ... *s.* 19 264

MALICIOUS INJURIES TO PROPERTY. Setting fire to a church, chapel, house or buildings used for trade; or rioters demolishing, &c. any church, or chapel, or building used for trade; or machinery in any manufactory, felony—death 9 *G.* 4, *c.* 74, *s.* 114, 116 334

—— Destroying silk or other goods in the loom, &c., or any machinery belonging to those manufactures, or breaking into any building with intent to destroy the same, felony—transportation, &c. ... ... *s.* 115 *ib.*

—— Setting fire to, or destroying a ship, with intent to prejudice owners or under-writers, felony—death ... ... *s.* 117 335

—— Damaging any ship otherwise than by fire, felony—transportation, &c. *s.* 118 *ib.*

—— Doing any act tending to the immediate loss of a ship in distress, or destroying the goods, or any part, of such ship, or by force preventing or impeding any party endeavouring to save his life, felony—death *s.* 119 *ib.*

—— Destroying sea-banks, banks of rivers or canals, locks, floodgates, &c.; removing the piles, &c. of any such sea-banks, &c., or doing any damage with intent to obstruct navigation, felony—transportation, &c. *s.* 120 *ib.*

—— Breaking down the dam of a fishery, on conviction before a Justice, offender to pay fine, not exceeding fifty sicca rupees ... ... *s.* 121 336

—— Killing or maiming cattle, felony—transportation, &c. ... *s.* 122 *ib.*

—— Setting fire to crops, or stacks of corn, &c., or to any plantation of trees, &c., felony—transportation, &c. ... ... *s.* 123 *ib.*

—— Punishments and forfeitures equally to apply and be enforced whether committed from malice or otherwise ... ... *s.* 124 *ib.*

(*See also* Act of Government of India No. 31 of 1838, in Appendix, in connection with sections 114, 117, 119, and 123, of Act 9 Geo. 4, c. 74). 635

MALTA, to be deemed in Europe ... ... 3 & 4 *W.* 4, *c.* 52, *s.* 120 375

MANDAMUS. In cases of prosecution in Court of King's Bench for offences committed in India, Court may issue *mandamus* requiring Judges of King's Courts to examine witnesses; evidence to be received in writing and sent home under seals of Judges; oath to be made as to identity and integrity

MANDAMUS—*continued.*

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of the document, and the deposition be then received in evidence 13 *G.* 3, *c.* 63, *s.* 40 — 35

— If accused person be for the time being a Judge of any Court of Judicature in India, *mandamus* to be directed to Governor-general in Council of Fort William, who is to take all proceedings ... ... *s.* 41 — 36

— A commission for examination of witnesses in India may issue from any of the Courts in Westminster in actions of suits in law or equity commenced by the Company, or others ... ... *s.* 44 — 37

— No depositions taken by virtue of 13 G. 3, c. 63, to be given in evidence in any capital cases, except such as shall be proceeded against in Parliament ... ... *s.* 45 — 38

— Judge or Judges to whom writ is directed to have like powers to compel attendance and examination of witnesses as the Court whereof they are Judges may possess in ordinary cases ... 1 *W.* 4, *c.* 22, *s.* 2 — 355

— Court of King's Bench, in case of prosecution for offences committed by any person holding public employment abroad, may issue writ of *mandamus*, for examination of witnesses ... ... 42 *G.* 3, *c.* 85, *s.* 2 — 141

— — may order examinations *de bene esse* on interrogation *s.* 3 — 142

— Persons to whom writs of *mandamus* directed to do all things necessary for the due execution thereof ... ... *s.* 4 — *ib.*

— Persons giving false evidence subject to pains of perjury ... *s.* 5 — *ib.*

— Powers given in Acts 13 G. 3, c. 63, and 1 W. 4, c. 22, relating to the examination of witnesses in India, extended to all actions in the Courts of Law of Dublin when examination by Commission shall appear necessary; Judge to whom Commission is directed empowered to enforce attendance and examination of witnesses; costs of writ or Commission to be in the discretion of the Court issuing the same 3 & 4 *V. c.* 105, *s.* 66 to 68 — 533, 534

MANSLAUGHTER (*see* Offences against the Person).

MANUFACTURES, destroying, (*see* Malicious Injuries to Property).

MARINE, BOMBAY. Provisions of East-India Mutiny Act extended to, 9 *G.* 4, *c.* 72 — 283
(*See also* Indian Navy.)

MARINE COURTS MARTIAL. Composition of, in Company's Settlements; proceedings; duration of Act ... ... 3 & 4 *V. c.* 8, *s.* 6, 8, 67 — 495

MARRIAGES. All marriages solemnized in India before 31st December, 1818, by Ministers of the Church of Scotland to be valid, and after that period if one of the parties be a member of the Church of Scotland and the minister be a Company's Chaplain, minister to certify marriage in duplicate, one copy to be delivered to parties, the other transmitted to Government ... ... 58 *G.* 3, *c.* 84, *s.* 1 & 2 — 218, 219

— Solemnized by minister of the Church of England, in chapel, or house of British Ambassador or Minister, at British factories, and within British lines, to be valid ... ... 4 *G.* 4, *c.* 91, *s.* 1 — 252

— Act not to affect the validity of other marriages solemnized beyond sea *s.* 2 — *ib.*

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MEMBERS OF COUNCIL (*see* Civil Service, Governments of India, and Passage Money).

MILITARY SEMINARY, to be continued, and Directors to make rules for, subject to the approbation and revision of the Board 53 *G.* 3, *c.* 155, *s.* 44 172

— Establishment of offices in, and appointment of head master, to be subject to approbation of the Board of Control ... ... *s.* 47 174

MILITARY AND NAVAL STORES (*see* Stores).

MONEY, interest of, in India (*see* Interest).

MORAVIANS (*see* Oath).

MURDER (*see* Criminal Justice in India).

MUTINY ACT (*see* Army, Indian Navy, and Marine).

NABOBS OF ARCOT AND CARNATIC (*see* Arcot and Carnatic).

NATIVES OF INDIA may be sued in the Supreme Court at Calcutta by British subjects for sums exceeding five hundred current rupees on any contracts, &c., in which it was agreed to abide by the decision of that Court 13 *G.* 3, *c.* 63, *s.* 16 30

— not to be subject to the jurisdiction of the Supreme Court on account of being a landowner, landholder, or farmer, within Bengal, Behar, or Orissa, or receiving share or profit, or rent of land, or exercising local authority, or being security for payment of rent 21 *G.* 3, *c.* 70, *s.* 9 49

— Nor on account of being employed by the Company; in any matter of inheritance or succession to lands or goods, or of dealing or contract, except in actions for wrongs or trespass, or in any civil suit by agreement of parties in writing ... ... *s.* 10 *ib.*

— Name, description and place of abode of every Native employed in the Company's service in any judicial office, or in the collection of revenue, to be registered; on the death of persons so employed, or being removed from office, to be likewise registered in books to be kept for that purpose *s.* 11 & 12 *ib.*

— Native stewards, or agents, &c. employed by British subjects to be registered in the provincial office of the district in which British subjects reside; should they so employ them before registry, liable to penalties *s.* 13 & 14 50

— No Native to receive salary, except from the day of the date of registry *s.* 15 *ib.*

— British subjects engaging in trade with Native partners not registered, liable to penalties ... ... *s.* 16 *ib.*

— Actions between Natives before the Supreme Court to be determined according to their own laws, &c.; forms of process framed by Supreme Court to be submitted for his Majesty's approval *s.* 17 *to* 20 50, 51

— Native Magistrates not to be attached, until after notice of information, and in default of appearance ... ... *s.* 24 *to* 26 52

(*See also* Court, Recorder's, of Fort St. George and Bombay, and Court, Supreme, of Fort William).

— Registers to be established at Madras and Bombay for Natives employed by the Company or by British subjects, the same as at Calcutta 37 *G.* 3, *c.* 142, *s.* 15 124

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—— Offences against Natives by British subjects 33 *G.* 3, *c.* 52, *s.* 67 100
53 *G.* 3, *c.* 155, *s.* 105 192
(*See* British Subjects, Native States, Residence).

—— In cases of debts not exceeding fifty rupees, alleged to be due from British subjects to Natives resident beyond the jurisdiction of the Court of Requests at the Presidencies, Magistrates of Zillah or district may decide summarily; amount, when found due, to be levied in the same manner and subject to same provisions as to commitment of debtor, as in cases of fines ... ... *s.* 106 193

—— All persons whatsoever, being Natives of India, to be subject, civilly and criminally, to all Provincial Courts of competent jurisdiction; Supreme Courts to have a concurrent jurisdiction over Natives employed by the Company, or by his Majesty's subjects ... ... *s.* 109 195

—— No Native to be transported to Eastern Coast of New South Wales, or any of the adjacent Islands ... ... 9 *G.* 4, *c.* 74, *s.* 30 314

—— Governor-general in Council, with all convenient speed, to make laws for protection of Natives from injury and outrage 3 & 4 *W.* 4, *c.* 85, *s.* 85 432

—— No Native of India, or natural-born subject resident therein, disqualified from office by reason only of religion, place of birth, descent, or colour *s.* 87 433
(*See also* Sudder Ameens).

NATIVE PRINCES. No British subject, either directly or indirectly, to lend any money or other valuable things to any Native Prince; nor be concerned in lending any money to any Native Prince, or raising or procuring any for him, nor be security for any such loan of money; nor make any loan to any other person for the purpose of being lent to such Prince, nor directly or indirectly to take bond, or be concerned in any bond, note, or other security, or assignment, granted by such Prince for his repayment of any money or other valuable thing, without previous consent of the Court of Directors, or of one of the Company's Governments in India in writing; offenders to be deemed guilty of misdemeanor at law, and may be proceeded against before any Court of competent jurisdiction; all securities to be void 37 *G.* 3, *c.* 142, *s.* 28 125

—— On complaint made to any of Company's Governments in India of violation of this Act (37 G. 3, *c.* 142), case to be laid before law officers, for their report, to be transmitted to Court of Directors by first convenient opportunity ... ... *s.* 29 *ib.*

—— SHIPPING (*see* Shipping).

—— STATES. British subjects committing offences in, to be amenable to all Courts of Justice, both in India and Great Britain, competent to try offences committed in India ... ... 33 *G.* 3, *c.* 52, *s.* 67 100

NAVAL FORCE of the Crown sent to the East-Indies at the request of Court of Directors, with approbation of the Board, to be employed against Native powers; expense to be borne by the Company 7 *G.* 4, *c.* 52 273

NAVY, INDIAN, (*see* Indian Navy).

NEGOTIATIONS WITH NATIVE PRINCES OR STATES (*see* War, Treaties, &c.)

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OATH. Directors empowered to administer an oath to their agents and servants, according to a prescribed form ... ... (*Charter*) 6

—— Deputy of a Corporation before voting in General Court on behalf of such Corporation, to make oath or declaration ... ... *ib.* *ib.*

—— Director refusing or neglecting to take prescribed oath within 10 days after election, office to become vacant, and other to be chosen in his place *ib.* *ib.*

—— according to prescribed form to be taken by Proprietors at Ballots for election of Directors ... ... 13 *G.* 3, *c.* 63, *s.* 6 28

—— Commissioners of the India Board before proceeding to act, to take an oath according to a prescribed form ... 33 *G.* 3, *c.* 52, *s.* 6 80

—— Secretaries and other officers of the Board, to take such oath of secrecy as the Board may direct ... ... *s.* 7 *ib.*

—— Board may, at any time they shall deem it expedient, require an oath of secrecy to be taken by all or any of their servants 3 & 4 *W.* 4, *c.* 85, *s.* 24 416

—— Secret Committee of Court of Directors to take an oath according to a prescribed form, previous to acting ... 33 *G.* 3, *c.* 52, *s.* 20 84
53 *G.* 3, *c.* 155, *s.* 74 178
3 & 4 *W.* 4, *c.* 85, *s.* 35 419

—— Persons employed by the Secret Committee in the preparation of secret despatches to take oath of secrecy, to be administered and attested by Committee or any two members ... 33 *G.* 3, *c.* 52, *s.* 20 84

—— taken by persons employed by the Secret Committee to be of the same tenor with that taken by the Committee before entering upon their duty 53 *G.* 3, *c.* 155, *s.* 75 178

—— British-born subjects appointed or authorized to receive rents, duties, or revenues belonging to the Company to take oath according to prescribed form, before the Chief Justice or one of the Puisne Judges of the Supreme Courts ... ... 33 *G.* 3, *c.* 52, *s.* 61 99

—— No person to act as a Justice of the Peace until he has taken the requisite oath ... ... *s.* 152 109

—— Justices of the Peace may qualify by taking the oaths in any Court of Justice within the provinces in which and for which the Commission has issued, and before any other Justice of the Peace 53 *G.* 3, *c.* 155, *s.* 112 197

—— Coroners to take the like oath as directed to be taken by Coroners of counties in England ... ... 33 *G.* 3, *c.* 52, *s.* 157 111

—— Directors to take prescribed oath within ten days after election, and before taking office, save administering the oath. Oath to be signed by person taking it; to be administered by two Directors, who are to sign and attest it; on neglect to take oath within prescribed time, office to be void, *s.* 160 112

—— Parties not being British subjects, of or belonging to the United Kingdom of Great Britain and Ireland, admitted into holy orders by the Bishop of Calcutta, not required to subscribe the oath required of persons ordained in England ... ... 4 *G.* 4, *c.* 71, *s.* 6 241

—— Quakers and Moravians (in India) to make solemn affirmation or declaration in place of oath in all cases, civil or criminal. Natives objecting to oath on grounds of religious scruple to make affirmation or declaration 9 *G.* 4, *c.* 74, *s.* 36 315

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—— Persons required to take oath on Holy Evangelists, in order to sit as members of any Court, or for any other purpose, may be sworn according to forms of their respective religions ... 9 *G.* 4, *c.* 74, *s.* 37 316

—— Quakers and Moravians (in England) allowed to make affirmation in all cases where oath is required. Penalty on affirming or declaring falsely 3 & 4 *W.* 4, *c.* 49 370

—— And persons having been Quakers or Moravians ... 1 & 2 *V. c.* 77 473

—— Separatists allowed to make solemn affirmation and declaration instead of oath. Penalty on affirming or declaring falsely 3 & 4 *W.* 4, *c.* 82 409

—— to be taken by President and Members of Courts-martial in India 3 & 4 *V. c.* 37 517

—— to be taken by Judge Advocate or person officiating as such *ib.* 518

—— to be taken by recruits enlisting for unlimited or limited service, either in her Majesty's or the Company's service ... 3 & 4 *V. c.* 6, 493—494

—— Provisions for abolition of unnecessary oaths 5 & 6 *W.* 4, *c.* 62, *s.* 1 *to* 8, 16 *to* 18, 20 *to* 22 454 *to* 457

(*See also* Act of Government of India, No. 5 of 1840, in Appendix). 645

OFFENCES, &c. Governors of plantations, Lieutenant-Governors, Deputy-Governors, or Commanders-in-chief, and any persons whatever in the service of the East-India Company, may be tried in England by the King's Bench, or by a commission, and punished as for like offences committed at home 11 & 12 *W.* 3, *c.* 12 16

10 *G.* 3, *c.* 47, *s.* 4 *to* 7 25

OFFENCES AGAINST THE PERSON. Petit treason to be treated as murder 9 *G.* 4, *c.* 74, *s.* 53 320

—— Parties convicted of murder, or of being an accessory before the fact, to suffer death as a felon; punishment by transportation or imprisonment of accessories after the fact; period of execution and marks of infamy; sentence to be pronounced immediately after conviction; power of Court or Judge to stay execution ... ... *s.* 54 & 55 *ib.*

—— Provision for trial of murder and manslaughter, where the death, or cause of death, only happens within the limits of the Company's Charter *s.* 56 *ib.*

—— Manslaughter may be punished by transportation, imprisonment, or fine *s.* 57 *ib.*

—— No punishment or forfeiture to be incurred by any person who shall kill another by misfortune, or in his own defence, or in any manner without felony ... ... *s.* 58 321

—— Attempt by poison or violence to murder, deemed felony, punishable with death ... ... *s.* 59 *ib.*

—— Shooting at, or stabbing, cutting, or wounding any person with intent to rob, maim, &c., capital; but if committed under circumstances that if death had ensued the same would not in law have amounted to murder, in every such case person indicted shall be acquitted of felony ... *s.* 60 *ib*

—— Punishment for administering poison, or using any means to procure the miscarriage of any woman quick with child; the like where the woman is not quick with child; concealment of birth of child *s.* 61 & 62 321, 322

—— Sodomy; rape; carnal knowledge of a girl under eight years, capital; above

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eight and under ten years, a misdemeanor, punishable with imprisonment; what sufficient to constitute those crimes respectively 9 *G.* 4, *c.* 74, *s.* 64 *to* 66 322

—— Forcible abduction of any woman on account of her fortune, with intent to marry or defile her, or to cause her to be married or defiled; felony, punishable by transportation or imprisonment ... ... *s.* 67 *ib.*

—— Unlawful abduction of an unmarried girl, under sixteen, from her parents or guardians, a misdemeanor, punishable by fine, imprisonment, or both *s.* 68 *ib.*

—— Stealing a child under ten years from parents or guardians, or with intent to steal any article upon or about the person of such child, or receiving or harbouring, felony, punishable by transportation or imprisonment. Not to extend to fathers taking their illegitimate children ... *s.* 69 323

—— Bigamy deemed felony, punishable by transportation or imprisonment *s.* 70 *ib.*

—— Masters of merchant vessels forcing seamen on shore, or refusing to bring them home, guilty of misdemeanor, and to be imprisoned for such term as the Court shall award ... ... *s.* 71 *ib.*

(*See also* Act of Government of India, No. 31 of 1838, in Appendix, in connection with sections 59, 60 & 61, of 9 *G.* 4, *c.* 74). 635

OFFICES. Act to regulate Grant of Offices in Colonies or Plantations of the Crown, not to extend to Offices granted by the East-India Company 54 *G.* 3, *c.* 61, *s.* 5 199

(*See* Civil Service, Crown, Directors, Governments of India generally, Governor-General and Council of Fort William, Governor-General and Council of India, Governments Subordinate, Officers and Servants, Sale and Brokerage of Offices).

OFFICERS OF THE CROWN to be assisting the Company when required, on pain of the displeasure of the Crown ... ... (*Charter*) 10

—— AND SERVANTS OF THE COMPANY. Directors may administer an oath, according to a prescribed form, for the faithful and due execution of the several places and trusts reposed in them ... (*Charter*) 6

—— Directors may appoint and remove them; allow and pay them such reasonable salaries and allowances as they may judge necessary for the well-ordering and managing of the Company's affairs ... ... *ib.* 8

—— in the East-Indies guilty of oppression, or other crimes, may be tried in the Court of King's Bench, and punished in the same manner as if committed in England ... ... 10 *G.* 3, *c.* 47, *s.* 4 25

—— in all actions or suits brought against the Company, their agents or servants, defendant may plead general issue, and give special matter in evidence *s.* 5 *ib.*

—— But must deliver to plaintiff notice in writing of substance of defence six days before trial in London or Middlesex, and eight days before trial in any other county; and defendant shall not give evidence of any matters not contained therein ... ... *s.* 7 *ib.*

—— The Company's right to appoint officers, servants, &c., preserved to them 13 *G.* 3, *c.* 63, *s.* 12 29

Officers and Servants of the Company—*continued.*

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—— No officer of the Company, either civil or military, to receive any fee, present, donation or gratuity, except in the case of physicians, counsellors, surgeons and chaplains, who may receive them professionally
13 *G.* 3, *c.* 63, *s.* 22 *to* 25 32
33 *G.* 3, *c.* 52, *s.* 62 *to* 64 99, 100

—— convicted in any Court of Judicature in India of breach of trust, or embezzlement, or defrauding the Company, may be fined and imprisoned, and adjudged to be for ever after incapable of serving the Company; immediately after execution of sentence may be sent to England by order of Court, unless he shall remove himself within twelve months, and in the mean time give security to do so ... ... 13 *G.* 3, *c.* 63, *s.* 33 33

—— answerable to Courts of Oyer and Terminer and Gaol Delivery, and Courts of General and Quarter Sessions, for offences committed against any person in any part of Asia, Africa and America, beyond the Cape of Good Hope to the Straits of Magellan ... 26 *G.* 3, *c.* 57, *s.* 29 72

—— His Majesty, by sign manual, countersigned by the President of the Board, may remove or recall persons in India, and vacate and make void any appointments or commission there; such appointments, &c., to cease at the time expressed in the said writing; a duplicate of the instrument for removal attested by the President of the Board, to be delivered to the Chairs within eight days after the signature thereof
33 *G.* 3, *c.* 52, *s.* 35 89
3 & 4 *W.* 4, *c.* 85, *s.* 74 429

—— Directors may remove any officers or servants, except those appointed by the Crown ... ... 33 *G.* 3, *c.* 52, *s.* 36 89
53 *G.* 3, *c.* 155, *s.* 80 180
3 & 4 *W.* 4, *c.* 85, *s.* 75 430

—— Departure from India of Governor-general, Governor, or Member of Council, or Commander-in-chief, with intent to return to Europe, to be a resignation. Resignation within the Presidency must be in writing, under hand and seal, and be delivered for the purpose of being recorded. Salary to cease from day of departure, resignation, or surrender; in case of any officer quitting his station or Presidency, excepting on the service of Company, no payment to be made to any agent for his use, and in the event of his not returning, or of his proceeding to Europe, salary to cease from day of departure ... ... 33 *G.* 3, *c.* 52, *s.* 37 89
3 & 4 *W.* 4, *c.* 85, *s.* 79 431

—— But payments may be made to representatives of officers (civil or military) who having quitted their stations without proceeding or intending to proceed to Europe, have died within the limits of the Charter or at the Cape, of such salary and allowances as they would have been entitled to had they returned, and payments made previously to the passing of this Act confirmed ... ... 7 *G.* 4, *c.* 56, *s.* 3, 4 274

—— Payments to representatives of deceased servants, as above, to be lawful
3 & 4 *W.* 4, *c.* 85, *s.* 79 431

—— And provisions of former Acts against payment to agents, not to extend to the

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case of any officer under the rank of Governor or Member of Council quitting the Presidency under established rules, in consequence of sickness, and proceeding to places within prescribed limits, or with permission of Government proceeding to another Presidency to embark for Europe, so that the port of departure be not more distant from the place quitted than the ports of his own Presidency; no rules to be valid until approved by Court under control of Board; Court may direct refund in case of permission being improperly granted, and the amount shall be recoverable at law ... 7 *W.* 4 & 1 *V. c.* 47, *s.* 1 *to* 3 467, 468

—— Board restricted from appointing any of the servants of the Company 33 *G.* 3, *c.* 52, *s.* 14 83

—— Not to direct or interfere with those employed in the Home Establishment. Directors not required to submit for consideration of the Board, their communications with their officers or servants on the Home Establishment, or with their legal advisers ... 3 & 4 *W.* 4, *c.* 85, *s.* 34 419

—— British-born subjects appointed to collect or manage rent, duties, and revenues, to take oath ... ... 33 *G.* 3, *c.* 52, *s.* 61 99

—— Wilful disobedience to orders of Court of Directors, except in cases of necessity (the burden of proof to lie on the party disobeying), and wilful breach of trust or duty to be deemed a misdemeanor at law *s.* 65 100
3 & 4 *W.* 4, *c.* 85, *s.* 80 431

—— After sentence or judgment against any officer or servant, Company not to release or compound such sentence or judgment in any case whatever, nor reinstate any servant removed for misbehaviour by sentence of Court of Law ... ... 33 *G.* 3, *c.* 52, *s.* 69 100

—— No person holding civil or military station under rank of Member of Council, or Commander-in-chief, having departed from India on leave, and not returning within five years, to be entitled to rank or restoration to office, nor capable of again serving in India, unless it be proved to the satisfaction of Court of Directors, that his absence was caused by sickness or infirmity, or unless permitted to return with rank by vote by ballot of three parts in four of a General Court, specially convened with eight days' notice in the *London Gazette*, or unless in case of a military officer it shall be proved to the satisfaction of the Court of Directors and the Board of Control, that his absence was caused by sickness, infirmity, or inevitable accident ... ... *s.* 70 101

—— But military officers of a certain rank may be restored by the Court and the Board, although absence continue more than five years, and be not caused by sickness, infirmity, or inevitable accident—(*See* Army, Company's) ... ... 53 *G.* 3, c. 155, *s.* 84 182

—— Rank of civil servants restored after five years' absence from India *s.* 85 *ib.*
(*See* Civil Service).

—— Company may, with approbation of the Board of Control, restore to their service military officers removed therefrom by sentence of Courts-martial 51 *G.* 3, cap. 75, *s.* 4 & 5 164—165

Officers and Servants of the Company.—*continued.*

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—— Civil or military servants, suspended or removed by Governments in India, not to be restored without the approbation of the Board 53 *G.* 3, *c.* 155, s. 83 181

—— Company may consider claims of those affected by discontinuance of their trade, and of their widows and children, and under the control of the Board grant compensation; but no such compensation to be granted till expiration of two months after particulars have been laid before Parliament 3 & 4 *W.* 4, *c.* 85, *s.* 7 412

(*See also* Parliament).

—— Division of Presidency of Fort William not to affect promotion or succession to office or command ... ... *s.* 71 428

—— Trade (*see* Trade).

—— Subscription to and management of Banks (*see* Banks).

—— By-Laws relating to 598

Ordination for Foreign Possessions. Persons may be admitted without canonical title, to orders of deacon and priest, for Foreign Possessions only 59 *G.* 3, *c.* 60 221

Parsees. Quitting the possession of estates acquired by, in the way of succession; and fixing the law by which the succession, either by inheritance or testamentary disposition, is to be regulated in future *Act of Government of India, No.* 9 *of* 1837, *in Appendix.* 620

Parliament. In all cases of proceedings touching offences committed in India, the Lord Chancellor, or the Speaker of the House of Commons, may issue warrant to the Governor-general and Council of Fort William, or to the Judges of his Majesty's Courts in India for examination of witnesses, which duly returned shall be deemed good and competent evidence, and shall be allowed to be read in either or both Houses 13 *G.* 3, *c.* 63, *s.* 42 37

—— No proceedings to be discontinued by prorogation or dissolution *s.* 43 *ib.*

—— Informations against parties accused of extortion, &c., in India may be exhibited in the Court of King's Bench, the record whereof to be delivered to the Lord High Chancellor, who thereupon is to issue a commission for the trial thereof; the parties accused may be committed, or in case of non appearance the information to proceed. Within thirty days from the commencement of each session, twenty-six Lords and forty Commoners to be chosen by ballot, who with three Judges are to form the commission for trying the accused. Members of the Board of Control, the Court of Directors, or persons having been employed in India not to form any part of the Court; senior Judge present to be President of the Commission, and in case of an equality of votes to have a casting vote. Mode of procedure. Party found guilty and adjudged to pay a fine to the Crown may be interrogated as to his effects; if he shall not appear or refuse to answer to forfeit his estate and be committed.

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Depositions of witnesses taken in India deemed evidence. Writings received by the Court of Directors from India, and copies of writings sent by them to India to be admitted as evidence
24 G. 3, c. 25, s. 64 to 67, and s. 73 to 82 54 to 58

—— Ten Commissioners competent to act; majority to determine and the President to have the casting vote. If by death or otherwise the number should be reduced below ten a new Commission is to be made out. Rules with respect to leave of absence; appointment and allowances of clerks, &c.; Court of King's Bench may issue warrants for apprehending persons accused, who may be committed or find bail; if accused parties cannot be found, or abscond, an order of the Court for their surrender to be inserted in the *London Gazette*, and affixed in some conspicuous place in the India House. Should the parties not then appear, the information to proceed as though the plea of not guilty had been given. The judgments of the Commissioners to be executed by the Court of King's Bench, and to be final. Fines how to be recovered in England, and in India, when effects in England are insufficient. Examinations in India to be sealed up and delivered in the Court of King's Bench on oath... ... ... *26 G.3, c. 57, s. 1 to 28* 60—71

—— Appointment of Commissioner or Chief Secretary to the India Board not to disqualify for sitting in Parliament; nor appointment of Member of the House of Commons to be Commissioner without salary, or to be Chief Secretary, to vacate seat ... ... *33 G. 3, c. 52, s. 8* 81

—— Upon petition of any party praying a bill of divorce, Speaker of either House of Parliament may issue his warrant to the Judges of the Supreme Court in India for the examination of witnesses; examinations to be certified and transmitted; Judges may ask further questions and require further witnesses to be produced; proceedings not to be discontinued by prorogation ... ... *1 G. 4, c. 101* 230—231

—— Governors elected to serve in Parliament (*see* Governors and Deputy-governors).

—— Right of Parliament to legislate for India reserved. *3 & 4 W. 4, c. 85. s. 51* 423

—— Accounts of increase and diminution of salaries, &c. of Board of Commissioners for Affairs of India to be annually laid before Parliament
51 G. 3, c. 75, s. 3 164

—— Accounts of all superannuations granted to officers of the Board or the Company for the preceding year to be laid before Parliament within fifteen days after meeting thereof ... *53 G. 3, c. 155, s. 94* 187

—— Copies of regulations passed in India and transmitted to Court of Directors, 37 G. 3, c. 142; 39 & 40 G. 3, c. 79; 47 G. 3, sess. 2, c. 68, to be laid annually before Parliament, together with accounts
53 G. 3, c. 155, s. 66 176

—— All laws and regulations made by Governor-general of India in Council to be transmitted to England and laid before Parliament
3 & 4 W. 4, c. 85, s. 51 423

Parliament—*continued.*

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—— Accounts of increased salaries, allowances and gratuities proposed by the Court of Directors, and approved by the Board of Commissioners for the Affairs of India to be laid before Parliament 28 *G.* 3, *c.* 8, *s.* 4 76
33 *G.* 3, *c.* 52, *s.* 17 & 18 83, 84
53 *G.* 3, *c.* 155, *s.* 88 183

—— Directors to lay before Parliament yearly certain accounts relative to the annual produce of the revenues of India; annual receipts and disbursements at home and abroad; amount of debts, rates of interest, &c.
33 *G.* 3, *c.* 52, *s.* 126 103

—— Accounts to be laid before both Houses annually within the first fourteen sitting days after the 1st of May, made up according to the latest advices of annual produce of revenue, distinguishing respective heads at each Presidency or settlement; annual receipts and disbursements at home and abroad, distinguished under respective heads, with latest estimate of the same; amount of debts, rates of interest, annual amount of interest; state of effects and credits at home and abroad; lists of establishments, and of salaries and allowances; Court of Directors, under control of Board, to prepare forms of accounts and estimates; particularly of new or increased salaries, establishments, or pensions to be placed at foot of accounts ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 116 439

—— Particulars of all compensations granted to persons affected by discontinuance of Company's trade, and of salaries and allowances directed to be paid to officers appointed by Board, to attend them during the winding-up of the commercial concerns of the Company, to be laid before both Houses of Parliament within the first fourteen sitting days after their meeting in every year ... ... *s.* 8 412

—— Rules framed for proceedings of Governor-general of India in Council to be laid before Parliament ... ... *s.* 47 422

—— Report of India Law Commissioners, with opinions or resolutions of Governor-general in Council thereon, to be laid before Parliament in the same manner as is now provided concerning regulations made by Government of India ... ... *s.* 54 424

—— Reports of draft regulations respecting Slavery, received by Court of Directors, and their proceedings thereon, to be laid before Parliament within the first fourteen days of their sitting ... ... *s.* 88 433

—— Rules for admitting Students at Company's College to be laid before Parliament ... ... 7 *W.* 4 & 1 *V. c.* 76, *s.* 7 470

Passage-Money. When persons are resident in the United Kingdom at the time of their appointment to stations in India, to be allowed the following sums to defray the expenses of their equipment and voyage; *viz.*,—

—— to the Governor-general of India ... £5,000 53 *G.* 3, *c.* 155, *s.* 89 184
3 & 4 *W.* 4, *c.* 85, *s.* 76 430

—— Commander-in-chief of all the Forces ... 2,500 53 *G.* 3, *c.* 155, *s.* 89 184

—— Each Member of the Council of India ... 1,200 3 & 4 *W.* 4, *c.* 85, *s.* 76 430

—— Each Member of the Council of Bengal ... 1,200 53 *G.* 3. *c.* 155, *s.* 89 184

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——	Chief Justice of the Supreme Court at Fort William	1,500	53 *G.* 3, *c.* 155, *s.* 89	184
——	Each of the Puisne Judges there ...	1,000	... ... *ib.*	*ib.*
——	Bishop of Calcutta	1,200	... ... *ib.*	185
——	Archdeacon	500	... ... *ib.*	*ib.*
——	Governor of Fort St. George	2,500	3 & 4 *W.* 4, *c.* 85, *s.* 76	430
——	Each Member of Council there ...	1,000	53 *G.* 3, *c.* 155, *s.* 89	184
——	Commander-in-chief there	2,000	... ... *ib.*	*ib.*
——	Chief Justice of the Supreme Court there	1,200	... ... *ib.*	185
——	Each of the Puisne Judges there ...	1,000	... ... *ib.*	*ib.*
——	Bishop of Madras	500	3 & 4 *W.* 4, *c.* 85, *s.* 91	434
——	Archdeacon of Madras	500	53 *G.* 3, *c.* 155, *s.* 89	185
——	Governor of Bombay	2,500	... ... *ib.*	*ib.*
			3 & 4 *W.* 4, *c.* 85, *s.* 76	430
——	Each Member of Council there ...	1,000	53 *G.* 3, *c.* 155, *s.* 89	185
——	Commander-in-Chief there	1,500	... ... *ib.*	*ib.*
——	Chief Justice of the Supreme Court there	1,200	4 *G.* 4, *c.* 71, *s.* 12	243
——	Each of the Puisne Judges there ...	1,000	... ... *ib.*	244
——	Bishop of Bombay	500	3 & 4 *W.* 4, *c.* 85, *s.* 91	434
——	Archdeacon	500	53 *G.* 3, *c.* 155, *s.* 89	185
——	Governor of Agra	2,500	3 & 4 *W.* 4, *c.* 85, *s.* 76	430
——	Governor of Prince of Wales' Island ...	1,200	53 *G.* 3, *c.* 155, *s.* 89	185
——	Recorder there	1,000	... ... *ib.*	*ib.*

Peace (*see* War, Peace, &c.)

Pensions. No new pension, or increase of pension, to any one person exceeding £200 per annum, to be available in law, unless resolution proposing the same shall be approved and confirmed by the Board of Control 33 *G.* 3, *c.* 52, *s.* 125 102

—— All grants to be subject to the Board of Control 3 & 4 *W.* 4, *c.* 85, *s.* 25 416

—— Competent yearly sum, out of revenues of India, may be applied for the use of Chief Justice or Judge returning to Europe 37 *G.* 3, *c.* 142, *s.* 2 120

—— And although he shall not return to Europe; payment to cease on re-appointment to any such judicial office ... 55 *G.* 3, *c.* 84, *s.* 8 207

—— To Chief Justice and Judges of Supreme Courts in India, granted previously to passing of 4 G. 4, c. 71, or to be subsequently granted, in favour of persons then exercising office, not affected by provisions of this Act 4 *G.* 4, *c.* 71, *s.* 18 244

—— to Chief Justice, Judges, or Recorder of Prince of Wales' Island, not to be granted till after five years' residence ... 6 *G.* 4, *c.* 85, *s.* 7 262

—— to Chief Justice of Calcutta, who has served seven years, partly as Judge or Chief Justice, £1,000 per annum; seven to ten years, £1,300; above ten years, £2,000 per annum ... ... *s.* 8 *ib.*

—— to Chief Justices of Madras and Bombay, under same limitations, of £800, £1,000, and £1,600 per annum ... ... *s.* 9 *ib.*

—— to Puisne Judges of Calcutta of £750, £1,000, and £1,500 per annum *s.* 10 263

Pensions—*continued.*

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—— to Puisne Judges of Madras and Bombay, £600, £800, £1,200 6 *G.* 4, *c.* 85, *s.* 11 263

—— to Recorder of Prince of Wales' Island, £500, £650, £1,000 *s.* 13 *ib.*

—— Time of Recorder appointed Judge to be reckoned as residence in India at a certain rate ... ... *s.* 14 *ib.*

—— not to be granted to Chief Justice, Judges or Recorder, under ten years' service, for other cause than illness ... ... *s.* 16 264

—— Chief Justice not to have more than Puisne Judge, unless he has held the office of Chief Justice for five years ... ... *s.* 12 263

—— Crown may grant to the Bishop of Calcutta, after ten years' exercise of that office, a pension of £1,500 per annum ... ... 4 *G.* 4, *c.* 71, *s.* 3 240

—— Bishop relinquishing his see from illness or infirmity, after five years' exercise of his office, may receive a pension of £750 per annum; and after seven years' exercise £1,000 per annum ... 6 *G.* 4, *c.* 85, *s.* 15 264

—— Resignation under ten years' service, for other cause than illness or infirmity, to be proved to the satisfaction of the Crown, not to entitle to pension *s.* 16 *ib.*

—— Residence as Bishop of Madras or Bombay, on translation to see of Calcutta, to be accounted residence as Bishop of Calcutta 3 & 4 *W.* 4, *c.* 85, *s.* 98 435

—— to Bishop of Madras or Bombay, after exercising office for fifteen years, £800 per annum, payable by the Company quarterly ... *s.* 96 *ib.*

—— If translated to See of Calcutta, residence by such Bishops to be accounted residence of Bishop of Calcutta ... ... *s.* 98 *ib.*

—— to Archdeacons, after exercising that office for ten years, £800 per annum 4 *G.* 4, *c.* 71, *s.* 3 240

—— to Archdeacons, having previously served as Chaplains, whose right to any benefit granted by the Company is not to be prejudiced, nor the right of the Company to make and vary regulations respecting the fees, allowances, powers, and retirement of their Chaplains *s.* 4 241

—— If any person now an Archdeacon shall be appointed Bishop of Madras or Bombay, the period of his residence in India as such Archdeacon to be accounted for and taken as a residence of such Bishop 3 & 4 *W.* 4, *c.* 85, *s.* 98 435

—— to President, Secretaries, and Officers of the Board of Control (*see* Board of Commissioners and Superannuations).

—— to Officers and Clerks of the Home Establishment (*see* Superannuations).

Perjury and Subornation of Perjury punishable with transportation and imprisonment ... ... 2 *G.* 2, *c.* 25, *s.* 2 19

—— in any matter connected with 53 G. 3, c. 155, to be punishable according to the law of England ... ... 53 *G.* 3, *c.* 155, *s.* 122 198

(*See* Army and General Court).

Petit Treason (*see* Criminal Justice in India).

Plantations (*see* Governors of Plantations).

Postage. Letters transmitted by post to be charged by weight, according to scale set forth in Act ... ... 3 & 4 *V.* *c.* 96, *s.* 2 524

Postage.—*continued.*

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— Rate of Postage on Colonial letters by packet boat 3 & 4 *V. c.* 96, *s.* 6 524
s. 34 526

— Ship letters ... ... *s.* 7 & 8 525
— Penalties on masters of ships not taking letter bags
7 *W.* 4 & 1 *V. c.* 36, *s.* 6 466
3 & 4 *V. c.* 96, *s.* 38 528
— Foreign letters ... ... *s.* 9 *to* 11 525
— Newspapers, Parliamentary proceedings, &c.,
s. 11, 42, 44, 50, 52 525, 529, 530
— Petitions and addresses to her Majesty or to Parliament *s.* 40 & 41 529
— Stamped covers .. .. *s.* 12 526
— Franking.—Penalties for abusing the privilege. Penalty for falsely superscribing the letter of an owner of a vessel, &c.
7 *W.* 4, & 1 *V. c.* 36, *s.* 4 465
— Letters of owners of vessels ... ... 3 & 4 *V. c.* 96, *s.* 35 526
— Gratuities to masters of vessels for conveyance of letters and newspapers. Masters of outward bound vessels to receive letters and to deliver them at first port of arrival. Declaration to be made by masters as to their delivery. Officers of Customs not to allow vessels to report before declaration made ... ... *s.* 36, 52, 61 527, 530, 531
— Soldiers' and seamen's letters ... ... *s.* 53, 54, 55 530, 531
— Interpretation of terms in Post Office laws ... ... *s.* 71 531
— Schedule referred to in Act 532

Powers of Attorney (*see* Stock).

Prince of Wales' Island. Singapore and Malacca annexed thereto, to be under such Presidency as Court of Directors, with approbation of Board, may determine, or to form a separate Settlement 6 *G.* 4, *c.* 85, *s.* 21 265
— Provision for administration of Justice in ... ... *s.* 19 264

Presents, &c., not to be taken by Governor-general, Council, Chief Justice or Judges of the Supreme Court of Fort William 13 *G.* 3, *c.* 63, *s.* 23 32
— Nor by any Civil or Military Officer under the Crown or the Company from Natives of India ... ... *s.* 24 *ib.*
— Demanding or receiving, whether for use of the party, or pretended to be for the use of the Company, or of any other person, to be deemed extortion and a misdemeanor at law, to be proceeded against under 33 G 3, c. 52, and offender also to forfeit the whole gift or present received or full value ... ... 33 *G.* 3, *c.* 52, *s.* 62 99
— Court of Jurisdiction may order present to be restored, or fine paid to prosecutor ... ... *s.* 63 *ib.*
— Professional fees of Counsellors, Physicians, Surgeons, and Chaplains, excepted from prohibition, ... 13 *G.* 3, *c.* 63, *s.* 25 32
33 *G.* 3, *c.* 52, *s.* 64 100
— Reception of present by Governor-general, or Governor, or Member of Council, for his own use, or in discharge of his office, a misdemeanor
3 & 4 *W.* 4, *c.* 85, *s.* 76 430

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PRIVY COUNCIL. An account to be laid before them yearly in the month of October, signed by two or more Directors, of English goods exported by the Company in the preceding year; shewing the places from whence they were exported, and to be attested by the oath of the officer in charge of the book of entry ... ... (*Charter*) 3

(*See* Appeals).

PRIZE CAUSES, Commission for trial of, (*see* Admiralty).

PRIZE-MONEY. Unclaimed shares of prize-money belonging to soldiers in the service of the Company, in the hands of agents or others, to be paid over to Company, and applied to Lord Clive's Fund, subject to be refunded without interest on the establishment of a claim thereto

1 & 2 *G.* 4, *c.* 61, *s.* 1 232

9 *G.* 4, *c.* 50, *s.* 1 278

—— belonging to seamen to be paid over to the Company, to be applied to Poplar Hospital, subject to be refunded in like manner

1 & 2 *G.* 4, *c.* 61, *s.* 2 233

9 *G.* 4, *c.* 50, *s.* 2 278

—— No right given to Company to prize-money, or unclaimed shares belonging to soldiers and sailors in the service of the Crown, nor to shares to which Greenwich and Chelsea Hospitals are entitled ... ... *s.* 3 279

—— Payment in London to be made within six months, abroad within six months after notification of Act ... ... 1 & 2 *G.* 4, *c.* 61, *s.* 3 233

9 *G.* 4, *c.* 50, *s.* 4 279

—— All persons required to deliver to the Secretary to the Company in London, or Secretaries of Governments abroad, accounts on oath; deeds and papers may be inspected by persons duly authorized by Court of Directors, and copies taken; but not to extend to open accounts legally closed, nor to bar legal remedies; persons taking false oaths liable to penalties of perjury ... 1 & 2 *G.* 4, *c.* 61, *s.* 4 *to* 6 234, 235

9 *G.* 4, *c.* 50, *s.* 5 *to* 7 280, 281

—— Company to have the same rights, powers, and remedies for discovery and recovery of money as owners; Courts of law may exercise same powers as with regard to balances payable to Treasurers of Greenwich and Chelsea Hospitals; and Court of Directors and Governments abroad to have same powers as those Treasurers; but the interests of the two Hospitals not to be affected ... ... 1 & 2 *G.* 4, *c.* 61, *s.* 7 & 8 235

9 *G.* 4, *c.* 50, *s.* 8 & 9 281, 282

—— Persons paying over prize-money under Acts acquitted absolutely

1 & 2 *G.* 4. *c.* 61, *s.* 9 236

9 *G.* 4, *c.* 50, *s.* 10 282

—— Unclaimed shares in hands of Company to be carried to credit of Lord Clive's Fund and Poplar Fund, respectively, subject to refund

1 & 2 *G.* 4, *c.* 61, *s.* 10 236

—— Expenses of carrying Act into operation to be defrayed out of monies received; no person employed by the Company in executing it to act as agent, under penalty of £500; Act not to prevent remedy at law or

PRIZE MONEY—*continued.*

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equity against the Company after application to Court of Directors at home or Governments abroad, within six years 1 & 2 *G*. 4. *c*. 61, *s*. 11 & 12 236
9 *G*. 4, *c*. 50, *s*. 11 & 12 282

—— ARMY.—All captures to be at the disposal of the Crown 2 *W*. 4, *c*. 53, *s*. 2 357

—— In conjunct expeditions of land and naval forces, after adjudication of Court of Admiralty share of the army to be paid over for distribution *s*. 29 *ib.*

PROVISIONAL APPOINTMENTS. Court of Directors may make provisional appointments, subject to any event or contingency 33 *G*. 3, *c*. 52, *s*. 27 87
3 & 4 *W*. 4, *c*. 85, *s*. 61 426

—— Subject, in respect of offices of Governor-general of India, Governor of a Presidency, and fourth ordinary Member of Council of India, to the approbation of the Crown ... ... 3 & 4 *W*. 4, *c*. 85, *s*. 61 *ib.*

—— No person so appointed to be entitled to any authority, salary, or emolument until in actual possession of office ... ... 33 *G*. 3, *c*. 52, *s*. 27 87
3 & 4 *W*. 4, *c*. 85, *s*. 61 426

PROPRIETORS (*see* General Court and Stock).

QUAKERS (*see* Oath).

QUALIFICATION (*see* Directors *and* General Court).

QUARTER SESSIONS to be held by Governor-general and Council of Fort William four times a year ... ... 13 *G*. 3, *c*. 63, *s*. 38 35

RAPE (*see* Offences against the Person).

RECRUITS AND RECRUITING THE COMPANY'S FORCES (*see* Army in India).

REGISTRATION OF NATIVES (*see* Courts of Judicature *and* Natives).

REGISTRATION OF SHIPPING (*see* Shipping).

REGULATIONS. Governor-general and Council of Fort William may make and issue such rules, ordinances and regulations (not being repugnant to the laws of the realm), for the good order of Fort William and its subordinates, as shall be deemed just and reasonable; and may inflict fines, &c., for breach or non-observance of them 13 *G*. 3, *c*. 63, *s*. 36 34

—— To frame regulations for Provincial Courts and Councils, to be transmitted within six months to Court of Directors, which regulations Crown may approve or disallow, if not disallowed within two years, to be of force and authority, provided no new expense to suitors be occasioned thereby 21 *G*. 3, *c*. 70, *s*. 23 51

—— issued and framed by Governor-general in Council, affecting persons amenable to Provincial Courts, to be registered in judicial department, formed into a code, and printed, with translations into the country languages, and grounds of each regulation prefixed to; all Provincial Courts to be

REGULATIONS—*continued.*

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bound by such regulations, and Governor-general in Council to transmit ten copies to Court of Directors, and ten to Board of Control annually 37 *G.* 3, *c.* 142, *s.* 8 121

—— Governor-general and Council may order corporal punishment for breach of regulations ... ... 39 & 40 *G.* 3, *c.* 79, *s.* 18 137

—— Such punishment not to be inflicted but upon due conviction before Justices of Fort William; no conviction to be reversed or brought into any Superior Court ... ... *s.* 19 138

—— to be laid before Parliament annually ... 53 *G.* 3, *c.* 155, *s.* 66 176
3 & 4 *W.* 4, *c.* 85, *s.* 51 423

(*See also* Governor-general of India in Council, Justices of the Peace, and Parliament).

REMITTANCES, in case of failure or delay of, to pay dividend, so much of security fund may be sold or mortgaged as required for that purpose, to be repaid when remittances are received ... 3 & 4 *W.* 4, *c.* 85, *s.* 15 414

—— Company's dividend to have preference of all territorial charges, payable out of remittances in Great Britain ... ... *s.* 17 415

RESIDENCE IN INDIA, AND POSSESSION OR OCCUPATION OF LAND. Persons proceeding to India under the directions of the Board of Commissioners to be protected ... ... 53 *G.* 3, *c.* 155, *s.* 33 170

—— All persons to be subject to the rules and regulations in force ... *s.* 35 171

—— Governments of India may declare certificates and licences void; persons whose certificates or licences are thus vacated, not liable to prosecution for illicit residence until two months after notice ... *s.* 36 *ib.*

—— Governments of India not to authorize residence without lawful authority; but for extraordinary causes, to be entered upon minutes, may grant special licence until pleasure of Court of Directors known *s.* 37 *ib.*

—— On information exhibited by Advocate-general, or other principal law officer of the Company, that any subject of the Crown not licensed or duly authorized, has been found within its jurisdiction, Court may order such person to be arrested and brought before it, and upon non-production or want of proof of licence or authority, or if upon production of such licence or proof it shall appear that his residence, resort, or remaining, comes not within its true intent and meaning, Court may summarily convict, inflict fine, not exceeding two thousand rupees, and commit offender to gaol for period not exceeding two months, unless the fine shall be sooner paid; on second conviction, before same or any other Court, offender may be fined not exceeding four thousand rupees, and committed for a term not exceeding four months, unless fine sooner paid; not to affect other enactments making unlawful residence a misdemeanor, or subjecting offender to be sent home; but no persons convicted as above to be prosecuted for misdemeanor, or sent home in respect of residence previously to such conviction ... *s.* 101 190

—— Persons resident without licence may be sent home without being subject to prosecutions; masters and commanders of ships to receive and keep them

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safely until landed in the United Kingdom; persons thus deported to be entitled to be discharged in such port of the United Kingdom in which ship shall be moored in safety, as such person shall see fit 53 *G.* 3, *c.* 155, *s.* 104 191

— Natives resident without the towns of Calcutta, Madras, or Bombay, may make complaint to the Magistrate of any Zillah against British subjects of injury against person or property, accompanied by force, and not being felony; magistrate to hear parties, examine witnesses, and having taken substance of complaint in writing, acquit or convict; in case of conviction, may inflict fine not exceeding five hundred rupees, to be levied in case of non-payment upon property of offender; if no property be found, offender may be committed to suitable place of confinement, within district, if there be such; if not, to gaol of Presidency, for a period not exceeding two months, unless fine sooner paid; magistrate may award whole or part of fine to party aggrieved; Magistrates to transmit copies of all depositions and proceedings to Government; all fines to be paid in first instance to Magistrate, and amount, after making satisfaction to parties, transmitted to Clerk of the Crown, or other proper officer of Court of Oyer and Terminer; convictions may be removed by *certiorari* to Court of Oyer and Terminer; not to prevent Magistrate committing and holding to bail any British subject whose offence may appear a fit subject for prosecution in his Majesty's Court *s.* 105 192

— In cases of debts not exceeding fifty rupees, alleged to be due from British subjects to Natives resident beyond the jurisdiction of the Courts of Requests at the Presidencies, Magistrates of Zillah or district may decide summarily; amount when found due to be levied in the same manner and subject to same provisions as to commitment of debtor as in cases of fines ... ... *s.* 106 193

— British subjects residing, carrying on trade, or possessing immoveable property more than ten miles from Presidencies, in all civil and revenue matters to be subject to all Courts having jurisdiction in such matters; but no British subject to be sued in any such Court in respect of residence, unless residing within jurisdiction at the time of commencing the action, or that cause of suit shall have commenced within the jurisdiction of the Court, and the suit be commenced within two years after the cause shall have arisen, and within six months after defendant shall have ceased to reside; no British subject liable to be sued in respect of carrying on trade within jurisdiction, unless cause of suit arise within it and relate to such trade; nor to be sued in respect of immoveable property, unless situated within jurisdiction of Court, nor unless the suit be brought to recover possession, or occupation of such property, or for rent, or other demand arising out of it; jurisdiction of King's Court not barred, but plaintiff may sue there at his election *s.* 107 193

— British subjects, not in the service of the Crown or the Company, residing

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with permission of Government in certain parts of India, to procure certificate of permission, to be deposited and filed in the Civil Court of the district; copy attested by the Judge, or other officer, to be delivered to the party, which shall be taken as evidence in Courts of Justice. No British subject, as aforesaid, to maintain any civil action (other than appeal) in any Court until attested copy of certificate be filed in such Court, or an affidavit accounting satisfactorily for not filing it. Unauthorized residence to subject party to be non-suited 53 *G.* 3, *c.* 155, *s.* 108 195

—— Governor-general in Council, or Governor in Council, or chief officer of any Presidency, or place subordinate to any Presidency, may give notice to any person not being a Native of any part of the British territories, within the limits of the Charter, other than natural-born subjects of the Crown, lawfully resorting to, or residing in India, to remove from the Presidency, or from all or any part of the British territories in India within a time to be limited. In default of obedience, such person may be apprehended and brought before Court of civil or criminal judicature, and it being proved on oath of credible witnesses, to the satisfaction of the Court, that such person is an alien and subject of a foreign state, together with service of notice, such person, unless proving the contrary, for which time shall be allowed, shall be remanded into custody of Governor-general, Governor or chief officer, to be removed either to his own country, or if he be unwilling to return there, to such other place as shall be determined, and to be detained in custody until removed; any person thus removed, returning without permission, may be apprehended and detained until discharged on such terms and conditions as Government shall decree sufficient 55 *G.* 3, *c.* 84, *s.* 6 206

—— Warrant or authority for apprehension, detention, or removal, may be carried into effect, although person in custody, or delivered to bail, or in execution on civil process; and notwithstanding any licence, privilege, or protection—no British subject, nor Native of British territories within limits of the Charter, to be so removed—no law under which the resort of British subjects to India as settlers permitted or restrained to be affected hereby; no subject of any foreign power to be apprehended, detained, or removed in any way inconsistent with any treaty *s.* 7 207

—— Any natural-born subjects of the Crown may proceed by sea to any port or place in British India having a Custom-house establishment, and pass through and reside in such parts as were under government of Company on 1st January, 1800, in any part of the country ceded by the Nabob of the Carnatic, of the province of Cuttack, and of the settlements of Singapore and Malacca without licence; but if not Natives, and arriving from any port or place beyond the territories of the Company, are to make known in writing their names, places of destination, and objects of pursuit, to the chief officer of customs, or other officer appointed for the purpose; none but servants of Company, and others lawfully authorized, to enter by land, nor to proceed to or reside in any parts but those above-

Residence in India, &c.—*continued.*

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mentioned, without licence from the Board or Court of Directors, or the Governor-general in Council, or Governor in Council of one of the Presidencies; but no licence to be revoked, except in accordance with the terms of such licence. Governor-general in Council, with previous sanction of Court of Directors, may declare other places open; Governor-general in Council to make laws for prevention and punishment of illicit residence ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 81 *to* 84 432

—— Governor-general in Council, with all convenient speed, to make laws for protection of Natives from injury and outrage ... ... *s.* 85 *ib.*

—— Natural-born subjects of the Crown may hold lands, or interest in lands, in territories where authorized to reside; Governor-general in Council may authorize acquisitions in lands in any places, and for any estates or terms whatever ... ... *s.* 86 433

(*See also* Act of Government of India, No. 4 of 1837, in Appendix) 620

—— Commander of ship or vessel arriving at any place under the Government of the Company, to make out, sign, and deliver to the principal officer of Customs, or other person duly authorized, a list of names, capacities, and descriptions of all persons who shall have been on board of such ship at time of arrival; penalty for neglect £100, half to informer, half to Company, or if Company informs, whole to Company; to be recoverable in his Majesty's Courts of Record in Great Britain, Ireland, India, or elsewhere, or in any Court in India to which Governor-general in Council may give jurisdiction, or by summary conviction before two Justices of the Peace in the United Kingdom or in India: penalty may be levied by distress and sale of goods, and for want of sufficient distress, offender may be committed to goal for three months
3 & 4 *W.* 4, *c.* 93, *s.* 3 & 4 440

Retiring Pensions (*see* Pensions).

Ricketts, Gilbert, Esq., Register of Supreme Court, Madras; deficiency caused by insolvency of, to be paid out of revenues of Company: instructions to that effect to be sent out to the Government of Madras. Lawful to make payment in this country
11 *G.* 4 & 1 *W.* 4, *c.* 75, *s.* 1, 2, & 3 351 *to* 353

Roman Catholics, being members of lay Corporations, not to vote at, or in any manner join in election, presentation or appointment to any ecclesiastical benefice, nor to any office or place belonging to or connected with the United Church of England and Ireland, or the Church of Scotland, being in the gift, patronage, or disposal of such Corporation 10 *G.* 4, *c.* 7, *s.* 15 338

Salaries, Allowances, and Gratuities.—Directors may allow and pay such reasonable salaries and allowances to their servants as they may judge necessary for the well ordering and management of the Company's affairs
(*Charter*) 8

Salaries, &c.—*continued.*

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— Board of Commissioners not to give direction for increasing salaries, or for payment of any gratuity, excepting such as shall be specified in despatches proposed by the Court of Directors 28 *G.* 3, *c.* 8, *s.* 3 & 4 75, 76

— Accounts of such increased salaries, allowances, or gratuities to be laid before Parliament ... ... *s.* 4 76

33 *G.* 3, *c.* 52, *s.* 17 & 18 83, 84

— No grant of salaries, establishment, or pension, nor increase thereof above £200 per annum, to be valid without the approbation of the Board *s.* 125 102

— No gratuity exceeding £600 to be made chargeable on the funds of the Company without sanction of Court of Proprietors, and approbation of Board ... ... 53 *G.* 3, *c.* 155, *s.* 88 183

— Nor by the Company or Court of Directors, with the sanction of Court of Proprietors, unless the same shall have been approved by the Board 55 *G.* 3, *c.* 64 202

— All grants of money, except from the sum allotted for the Home Expenses of Company to be subject to Board's approval 3 & 4 *W.* 4, *c.* 85, *s.* 25 416

— of Officers and Servants of the Company at home and abroad (*see* Civil Service, Home Expenses, and Officers and Servants).

— of President, Secretaries and Officers of the Board of Control (*see* Board of Commissioners).

— of Law Commissioners, and their officers and attendants (*see* Law Commissioners).

— of Scotch Chaplains (*see* Ecclesiastical Establishment).

— of Governor-general and Council of Fort William, Governor and Council of Fort St. George and Bombay, Chief Justices and Judges of Supreme Courts of Fort William and Madras, Governor and Recorder of Prince of Wales' Island, to commence from their taking upon them the execution of their offices ... ... 53 *G.* 3, *c.* 155, *s.* 89 184

— Like provisions as to Chief Justice and Judges of Supreme Court of Bombay 4 *G.* 4, *c.* 71, *s.* 11 243

— Provision repeated as to Governor-general, Governors, and Members of Council ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 76 430

— of Governor-general of India 240,000 sicca rupees per annum ... *ib.*

— Each ordinary Member of Council of India, 96,000 sicca rupees per annum *ib.*

— Governors of Madras, Bombay, and Agra 120,000 sicca rupees per annum *ib.*

— Each Member of Council to be appointed in any Presidency 60,000 sicca rupees per annum; salaries to be subject to such reduction as the Court, with the sanction of the Board, may at any time think fit. Salaries to be entire emoluments ... ... *s.* 76 430

— If Governor-general, Governor, or Member of Council hold pension, salary, or place under the Crown, or public office of the Company, or annuity out of civil or military fund of Company, salary to be reduced by the amount so enjoyed ... ... *s.* 77 431

— of Governor-general, Governor, Commander-in-chief, or Member of Council to cease from day of departure, resignation or surrender of office *s.* 79 *ib.*

SALARIES, &c.—*continued.*

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— of the Chief Justice of the Supreme Court of Calcutta, £8000 per annum 13 *G.* 3, *c.* 63, *s.* 21 — 31
— of each of the Judges of the Court, £6,000 per annum ... *ib.* — *ib.*
— to commence from the date of taking upon them the execution of their offices 53 *G.* 3, *c.* 155, *s.* 89 — 184
— of Chief Justice of the Supreme Court at Madras, 60,000 Madras rupees per annum; and
— of each Puisne Judge, 50,000 Madras rupees per annum 6 *G.* 4, *c.* 85, *s.* 1 — 260
— of the Chief Justice of the Supreme Court at Bombay, 60,000 Bombay rupees per annum; and
— of each Puisne Judge, 50,000 Bombay rupees per annum 6 *G.* 4, *c.* 85, *s.* 2 — *ib.*
— Salaries to be in lieu of all fees, and to commence from date of taking upon them the execution of their office ... 4 *G.* 4, *c.* 71, *s.* 11 — 243
— to cease when either of the Judges shall respectively leave India *s.* 13 — 244
— Judge executing the office of Chief Justice in any of the Supreme Courts to be entitled to the salary of that office, whilst so acting, instead of his own 6 *G.* 4, *c.* 85, *s.* 4 — 261
— of Bishop of Calcutta, £5,000 per annum ... 53 *G.* 3, *c.* 155, *s.* 49 — 174
— of Bishop and Archdeacons, to commence on taking execution of office; to be in lieu of all fees and emoluments, and to continue while they execute their functions in the East-Indies, and no longer ... *s.* 50 — 175
— of Bishops of Madras and Bombay, 24,000 sicca rupees per annum 3 & 4 *W.* 4, *c.* 85, *s.* 89 — 433
— to commence on taking execution of office, and no fees, perquisites, emoluments or advantages beyond them to be taken; salary to cease when functions cease ... ... *s.* 90 — 434
— If Chief Justice, or Judge of any of the Supreme Courts, Recorder of Prince of Wales' Island, or Bishop of Calcutta die during passage out, or within six months after arrival, his representatives to receive so much as together with any sum drawn by the deceased, shall make one year's salary; six months salary in addition to any sum that may be due, to be paid where Judge or Bishop has resided more than six months, and dies in possession of office ... ... 6 *G.* 4, *c.* 85, *s.* 5 — 261

SALE, CONTRACT, OR BARGAIN FOR OFFICE. Entering into any with respect to any office or employment under the Crown or Company in the East-Indies, by any persons resident in India, to be a misdemeanor 33 *G.* 3, *c.* 52, *s.* 66 — 100
(*See* Sale and Brokerage of Offices).

SALE AND BROKERAGE OF OFFICES. Provisions of 5 & 6 Edward 6, c. 16, extended to offices, commissions, places and employments belonging to, or under the appointment of, the Company ... ... 49 *G.* 3, *c.* 126, *s.* 1. — 152
— Right of appointment when forfeited to go to the Crown ... *s.* 2 — 154
— Buying or selling offices, or receiving or paying money for offices, a misdemeanor ... ... *s.* 3 — *ib.*
— Receiving or paying money for soliciting offices, negotiating, or pretending to negotiate, a misdemeanor ... ... *s.* 4 — *ib.*

Sale and Brokerage of Offices —*continued.*

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—— Opening or advertizing houses for transacting business relating to sale of offices, a misdemeanor ... ... 49 *G.* 3, *c* 126, *s.* 5 155
—— Persons advertizing or publishing names of brokers or agents liable to a penalty of £50 ... ... *s.* 6 *ib.*
—— Act not to extend to sale, purchase, or exchange of certain Court appointments, nor of Commissions in his Majesty's Forces at regulation prices, nor to authorized regimental agents acting without fee or reward *s.* 7 *ib.*
—— But officers in army not to give more than regulation prices under certain penalties ... ... *s.* 8 156
—— Exceptions to operation of Act ... ... *s.* 9 *to* 10 156—157
—— Manner of punishing offenders in Scotland ... ... *s.* 13 157
—— Offences committed abroad to be tried in the Court of King's Bench *s.* 14 *ib.*
—— Date of commencement of the Act in various parts ... ... *s.* 15 *ib.*

Sales (*see* Auctions).

Schoolmasters to be provided in all garrisons and superior factories where necessary (*Charter*) 4

Scotch Chaplains (*see* Ecclesiastical Establishments).

Seamen. Prize-money due to seamen in service of East-India Company (*see* Prize Money).
—— Asiatic. Though born within territories under the Government of the Crown or East-India Company, not to be deemed British seamen
4 *G.* 4, *c.* 80, *s.* 20 245
3 & 4 *W.* 4, *c.* 54, *s.* 16 378
—— But in time of war his Majesty, by proclamation, may permit trading vessels and privateers to be manned, wholly or in part, with Asiatic seamen, for period to be limited ... ... 4 *G.* 4, *c.* 80, *s.* 20 245
—— British vessels manned in part with Lascars, and having four British seamen for every hundred tons, to be deemed navigated according to law *s.* 21 *ib.*
—— If in India sufficient number of British seamen cannot be procured, Government may grant licence to sail with less proportion ... *s.* 22 246
—— No British seamen required in trade between ports and places within the limits of the Charter ... ... *s.* 23 *ib.*
—— Governor-general in Council to make rules for the protection of Asiatic seamen; such rules to have the effect of law, and if duly authenticated to be received by Courts and Justices ... ... *s.* 25, 26 246, 247
—— Masters of vessels arriving at any port of the United Kingdom, before ship shall be admitted to entry, shall make out and exhibit list of Asiatic seamen on board during any part of the voyage, with a true account of what became of those no longer on board ... ... *s.* 27 247
—— For breach or non-observance of rules and provisions in relation to Asiatic seamen, master and owners shall forfeit £10, to be recovered in any of his Majesty's Courts of Record in the United Kingdom, East-Indies or elsewhere, or by summary conviction before Justices; one-third of penalty to go to informer, and two-thirds for benefit of Asiatic seamen, in respect of whom penalty has been incurred ... ... *s.* 28 247
—— Form of conviction before Justices ... ... *s.* 29 248

SEAMEN, ASIATIC—*continued.*

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—— Penalties to be recovered by distress and sale of goods; in default of sufficient distress, offender may be committed for three months 4 *G.* 4, *c.* 80, *s.* 30 248

—— Asiatic sailors, convicted of vagrancy, may be shipped on board any vessel bound to the place from which they were brought, the commander of which may be willing to take charge of them at the expense of the person liable under the rules, or of any other person willing to defray it *s.* 31 *ib.*

—— Proceedings not to be quashed for want of form, and proceedings before Justices not removable by *certiorari* ... ... *s.* 32 *ib.*

—— Action or suit under this Act to be commenced within three months *s.* 33 249

—— If Asiatic sailors, natives of the territories within the limits of the Charter, and brought into the United Kingdom on board any ship, not being a ship of war in the service of the Crown, be found in the streets in distress, Company to afford relief, and advance money for their passage home, to be recovered with costs of suit in any Courts of the United Kingdom, or in the East-Indies if the owners shall reside there *s.* 34 *ib.*

—— BRITISH. Seamen and boys, by shipwreck or other cause, left in distress in foreign parts, or discharged from his Majesty's ships, to be provided for by Governors, ministers, consuls, &c., at the authorized Admiralty allowance; bills and vouchers to be sent to the Commissioners of the Navy; seamen and boys to be sent home by first British ship wanting hands; and if no such ship, passage to be procured; master or other person refusing to receive such men or boys, liable to penalty of £100 for each ... ... 11 *G.* 4 & 1 *W.* 4, *c.* 20, *s.* 82 340

—— Admiralty to cause abstract of Act to be made out and printed, and copies forwarded to Governors of Settlements within the Charter of the East-India Company ... ... *s.* 94 341

—— Letters of (*see* Postage).

—— Provisions for determining who are British seamen 3 & 4 *W.* 4, *c.* 54, *s.* 16, 17 378

—— Merchant seamen, whether British or foreign, not to be discharged in Colonies or Plantations, without sanction in writing of Governor or other officer ... ... 5 & 6 *W.* 4, *c.* 19, *s.* 41 452

—— Master shall not leave abroad any person of his crew, under pretence of not being in a condition to proceed, or having deserted, or otherwise disappeared without certificate ... ... *s.* 42 *ib.*

SECRETARIES. Those of the Governments of India, Fort William, Fort St. George and Bombay invested with the duties and powers assigned to the Chief Secretaries of the three last-mentioned authorities.—(Regulations of Government of India, No. 2 of 1834, in Appendix.) 607

SECRET COMMITTEE. Directors to appoint a Secret Committee to consist of any number not exceeding three Directors, who are to take oath previously to acting, according to prescribed tenor ... 33 *G.* 3, *c.* 52, *s.* 20 84
53 *G.* 3, *c.* 155, *s.* 74 178
3 & 4 *W.* 4, *c.* 85, *s.* 35 419

Secret Committee—*continued.*

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—— to forward despatches sent from the Board without disclosure
33 *G.* 3, *c.* 52, *s.* 19 84
3 & 4 *W.* 4, *c.* 85, *s.* 36 419

—— to employ only the Secretary or Examiner in preparing secret despatches, except with approbation of the Board. Every person so employed to take oath of secrecy, to be administered and attested by Committee or any two Members ... ... 33 *G.* 3, *c.* 52, *s.* 21 85
53 *G.* 3, *c.* 155, *s.* 75 178

—— to deliver to the Board secret despatches, or copies received from India, immediately on arrival ... ... 33 *G.* 3, *c.* 52, *s.* 22 85

—— not to disclose the contents of such despatches without the approbation of the Board ... ... 53 *G.* 3, *c.* 155, *s.* 73 178

Security Fund. Company to pay £2,000,000 into the Bank of England to account of Commissioners for reduction of National Debt, with compound interest at 3½ per cent. on sums unpaid, commencing from 22nd April, 1834; principal and interest to be laid out in purchase of Stock in redeemable public Annuities transferable at the Bank; dividends to be received by cashiers of the Bank, and paid to account of Commissioners, until the whole sum amounts to £12,000,000, to be a fund to secure the redemption of the Company's dividend; Commissioners on requisition of Court of Directors to raise and pay to the Company sums necessary for dividends in cases of failure of remittances; such sums to be raised by sale or mortgage, as Directors with approbation of Board may direct; to be repaid into Bank when remittances received, with such interest as Directors, with approbation of Board, shall fix. Dividends on Stock, forming Security Fund, after it shall have attained the sum of £12,000,000, until applied to redemption of Company's dividend, and surplus after redemption to be applied in aid of revenues of India. Sum of £2,000,000 to be paid out of any sums due to the Company by the public when received, and out of any money arising from sale of Government Stock belonging to the Company, in preference to all other payments
3 & 4 *W.* 4, *c.* 85, *s.* 14 *to* 17 414, 415

Seminary, Military (*see* Military Seminary).

Separatists (*see* Oath).

Shipping. Court of Directors to give notice by public advertisement when they have occasion to contract for the hire of any ship or ships to be built for their service; such notice to state the burthen of the ship wanted, dimensions or scantlings of timbers and planks, number of guns, manner of building, providing, furnishing, and storing; the time to be allowed for building, and other particulars to enable parties to judge of the expense thereof, and the proper rate of freight; advertisement to fix a time, not less than four weeks from publication, to receive proposals in writing, sealed up, for building and freighting the same, specifying the lowest rate of freight for each and every voyage, and for such number of voyages, not less than six, as the Court shall see fit to fix; ships to be employed in trade, warfare or otherwise; tenders or proposals to be put

SHIPPING—*continued.*

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into a box locked or sealed, to be opened publicly in a Court of Directors; the contents of such proposals to be entered in a book, and the lowest to be accepted; in case more ships than shall be wanted at the time of considering such proposals, shall be tendered to be built at the same low freight, the Court to determine by lot which shall be accepted 58 *G.* 3, *c.* 83, *s.* 2 212

— Directors may engage ships, if in a sound and proper condition, for a limited number of voyages, to be performed after the expiration of their contracts; the peace freight not to exceed the rate paid for voyages under previous contracts ... ... *s.* 3. *ib.*

— Court may make such allowance to the owners from voyage to voyage, in respect of the additional charges, if any, arising to owners in time of war or preparation for war ... ... *s.* 4 213

— Tables of the average current prices of building and out-fit for ships, and of the probable expense for several voyages, for which any ship shall have been contracted, to be prepared once a-year, and hung up in the India House ... ... *s.* 5 *ib.*

— After conclusion of war, ships coming a-float to proceed on voyage to have tables of current prices of out-fit; cases in which an abatement or non-abatement from the freight to which the ship or ships would be entitled under contract to be determined finally and conclusively by the Court *s.* 6 214

— Court of Directors or Governments abroad, in cases of unforeseen exigency, may hire ships, public notice being given; the lowest tender to be accepted if reasonable, and the ship fit for the required service; engagement of ships not to extend beyond the duration of the service for which they have been hired ... ... *s.* 7 215

— In cases of unforeseen exigency, ships may be taken up by private contract under certain provisions ... ... *s.* 8 *ib.*

— may hire by private contract without advertising for one voyage from China or India, ships going out in the transport or other public service *s.* 9 *ib.*

— Court of Directors may hire for any service any ships, new or otherwise, the registered measurement of which is not more than eight hundred tons *s.* 10 *ib.*

— But no vessel under 350 tons ... ... *s.* 11 216

— Provision for building a ship in room of one lost or captured, before the completion of her fifth voyage ... ... *s.* 12 *ib.*

— Court of Directors or Governments abroad not obliged to enter into any unreasonable contract, nor to accept lowest tender ... ... *s.* 13 217

— Provisions of Act not to extend to ships employed in Company's service, or Marine War Establishment in East-Indies, but Court of Directors and their agents abroad may take up vessels for those purposes in any manner they may see fit; Act not to prevent goods being loaded on account of Company on board any private ship ... ... *s.* 14 *ib.*

— Company's By-Laws relating to shipping not inconsistent with provisions of Act to remain in force ... ... *s.* 15 *ib.*

SHIPPING—*continued.*

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—— Importation and exportation of Goods (*see* Customs).

—— Provisions for determining British and Foreign ships 3 & 4 *W.* 4, *c.* 54, *s.* 12 & 15 377

—— Provisions for navigating British and foreign ships *s.* 16, 18, 19, 20 378, 379

—— Ships trading within limits of Charter may be navigated entirely by Natives of the countries within those limits ; ... 4 *G.* 4, c. 80, *s.* 23 246
3 & 4 *W.* 4, *c.* 54, *s* 18 378

(*See also* Seamen, Asiatic).

—— Registration of British vessels, provisions affecting 3 & 4 *W.* 4, *c.* 55 379, 398
1 & 2 *V.* *c.* 113, *s.* 11 *to* 14 477

—— Ships built at any place within limits of the Charter prior to 1st January, 1816, and then and ever since the property of British subjects, to be deemed British ships within the limits, including the Cape of Good Hope ... ... 3 & 4 *W.* 4, *c.* 59, *s.* 84 408

—— Lists of Persons on board ships arriving in India (*see* Residence).

—— Until proclamation by Governor-general in Council, all ships mentioned in the Act 3 & 4 W. 4, c. 59, as also all other ships or vessels described in Act of 55 G. 3, c. 116, to have and enjoy the same privileges as were thereby given to such ships or vessels ... 3 & 4 *V.* *c.* 56, *s.* 1 518

—— For all purposes of indemnity and discharge from actions, suits, prosecutions, &c., and for confirming and giving validity to sales, assignments, contracts, &c., this Act to have same force and effect as if the 55 G. 3, c. 116, had never been repealed ... ... *s.* 2 519

—— Governor-general in Council by proclamation to declare what ships shall be considered British, to make regulations to be enforced by penalties, with respect to registering, licensing, and ascertaining admeasurement of tonnage and burden, and generally for trade. Laws may be disallowed or repealed ; to be transmitted to England and laid before Parliament *s.* 3 519

—— Ships or vessels belonging to Native Princes or States, in alliance with, or having subsidiary treaties with the Company, or owned by subjects of such Princes or States, may be admitted to privileges and advantages of British ships for purposes of trade within the Company's limits, including the Cape of Good Hope ... ... *s.* 4 520

—— Legal validity and effect given to acts of Governors of Presidencies in reference to trading of vessels exceeding 350 tons, built in ports within the Company's limits, since 1st January, 1816, and owned by British subjects, or owned by Native Princes or States in subordinate alliance with or having subsidiary treaties with the Company, or by the subjects of such Princes or States ... ... *s.* 5 *ib.*

—— Provisions and remedies in Act of the 3 & 4 W. 4, c. 55, for registering British vessels, as respects the wilful detention of certificates of registry, or the absconding of any person in possession of the same, to extend to and be in force in the territories under the Company's Government *s.* 6 *ib.*

—— Matters directed to be performed by said Act before Governors, &c., of any particular place where vessel may be registered, may be done or per-

SHIPPING—*continued.*

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formed in Company's territories in presence of Governor-general, Governors of Presidencies, or Governor of Prince of Wales' Island, or the resident Councillors at Singapore or Malacca 3 & 4 *V. c.* 56, *s.* 7 520

—— Proceedings touching the force and effect of registers granted to any ship or vessel may be stayed until the pleasure of the Crown shall be known. Authenticated copy of the proceedings in every such case, with reasons of Government for causing the same to be stayed, to be transmitted to Court of Directors, and by them to Board of Control, to be laid before her Majesty in Council ... ... *s.* 8 521

—— term "Limits of the East-India Company's Charter," for purposes of Act, to be construed to mean all places and seas eastward of the Cape of Good Hope to the Straits of Magellan ... ... *s.* 9 *ib.*

SINGAPORE transferred to the Company ... ... 5 *G.* 4, *c.* 108, *s.* 1 252

—— Provision may be made by Crown for administration of Justice in 6 *G.* 4, *c.* 85, *s.* 19 264

—— Annexed to Prince of Wales' Island ... ... *s.* 21 265

SLAVERY ABOLITION ACT not to extend to territories of the Company, Ceylon, or St. Helena ... ... 3 & 4 *W.* 4, *c.* 73, *s.* 64 408

SLAVERY IN INDIA. Governor-general and Council forthwith to take into consideration means of mitigating and extinguishing slavery, and to prepare and transmit to Court of Directors drafts of laws for the purpose, due regard being had to laws of marriage, and rights and authorities of fathers and heads of families; no such law to be promulgated or put in force without previous sanction of the Court of Directors. Report of draft of regulations and proceedings of Directors thereon to be laid before both Houses of Parliament within fourteen days after their meeting ... ... 3 & 4 *W.* 4, *c.* 85, *s.* 88 433

SOCIETY GENERAL (*see* General Society).

SODOMY (*see* Offences against the Person).

SOUTH SEA COMPANY. Governor, Deputy-governor or Director not to be Governor, &c., of the East-India Company at the same time 9 *Anne*, *c.* 21, *s.* 61 17

ST. HELENA granted to East-India Company, 16th December, 1674 1

—— Slavery abolition Act not to extend to ... 3 & 4 *W.* 4, *c.* 73, *s.* 64 408

—— Island transferred to the Crown by Act 3 & 4 *W.* 4, *c.* 85, *s.* 112 438

—— Civil servants there eligible to offices in any Presidency in India *s.* 113 *ib.*

STAMPS (*see* Bond Debt, Debt, India Territorial, General Court).

STOCK, CAPITAL.—£2,000,000 raised upon a fund for payment of annuities at the rate of £8 per cent. per annum, to be called the Common Capital and the Principal Stock ... ... (*Charter*) 1

—— Books of account of the principal and additional stock to be kept by an accountant, to be attested upon oath if required ... ... *ib.* 8

—— Mode of assigning or transferring stock in person ... ... *ib.* 9

—— —— —— by letter of attorney ... *ib.* *ib.*

—— may be devised by will; but the devisee not to transfer or receive any dividend until a memorandum or entry of so much of the will as relates to the Stock is made in a book to be kept for that purpose ... *ib.* *ib.*

STOCK, CAPITAL—*continued.*

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—— to be a personal and not a real estate ... 9 & 10 *W.* 3, *c.* 44, *s.* 71 14

—— Dividends exempt from taxes, &c. ... ... *s.* 72 *ib.*

—— No Member to be liable to be a bankrupt in respect of his stock only *s.* 74 *ib.*

—— Not liable to foreign attachment ... ... *ib.* *ib.*

—— £1,200,000 to be raised to enable her Majesty to carry on the war, to be considered a further addition to the capital stock, and to be tax free 6 *Anne*, *c.* 17, *s.* 4 17

—— Collusive transfers to qualify voters at elections, and all securities affecting them, void ... ... 13 *G.* 3, *c.* 63, *s.* 3 26

—— Persons voting by virtue of collusive transfer, and afterwards re-transferring stock, to forfeit £1,000 ... ... *ib.* 27

—— No Proprietor to vote at any election in respect of stock amounting to less than £1,000, nor till possessed twelve calendar months in his own right, not in trust, and free from incumbrance; excepting stock acquired by bequest, marriage, or succession to any intestate's estate, custom of City of London, or by deed of settlement after the death of any person entitled for life to the dividends of stock ... ... *ib.* *ib.*

—— £3,000 stock entitles a Proprietor to two votes, £6,000 to three votes, and £10,000 to four votes ... ... *s.* 4 *ib.*

—— May be increased to £4,000,000; the new stock to be subscribed at £160 per cent. ... ... 26 *Geo.* 3, *c.* 62 74

—— Company empowered to increase their capital stock by an addition of £1,000,000; and provision granted to receive subscriptions for the increased amount at the rate of £170 per cent. ... 29 *G.* 3, *c.* 65 76

—— Increased to £6,000,000, to be raised at the rate of £200 per cent. 33 *G.* 3, *c.* 47, *s.* 8 *to* 13 78

—— Company empowered to enlarge their capital stock by £2,000,000 37 *G.* 3, *c.* 31 117

(No increase took place under Act 37 G. 3, c. 31, and the Company were permitted by 47 G. 3, c. 41, to raise the required sum on bond, *see* note page 413).

—— Court of Equity may order tranfer of stock, or payment of dividends to parties in a suit, and issue injunction to restrain transfer or payment, although Company not party to suit; certificate signed by proper officer, stating amount of stock or dividend, and in whose name standing, and (if required, but not otherwise) when any part of it was transferred, to be delivered on due application, for which payment of 2s. 6d. shall be made; Act not to extend to any case where any further discovery is wanted, nor to any case in which Company claim an interest, but in such cases Company to be made party to suit; if special matter shall arise which may affect interests of Company, or which may be objected against any such transfer or payment; it may be stated by motion or petition, and process to be suspended until final order; in suits previously depending, when Company may have put in answer not claiming any interest, no further proceedings to be had against them, as party

Stock. Capital—*continued.*

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and costs may be taxed, subject to further orders as to final payment 39 & 40 *G.* 3, *c.* 36, *s.* 1 *to* 4 131 *to* 133

—— Stock taken by direction of the Court of Exchequer, or Lord Chief Baron, to be in name of Accountant-general, and the particular trust to be specified in the security; on death or resignation of Accountant-general property to vest in his successor; when money is ordered by Court of Exchequer to be invested, the security shall be specified; if East-India stock, it shall be transferred into name of Accountant-general, transfer to contain an entry or declaration of trust in the books, and Accountant-general shall take a certificate from the proper officer of the Company for delivering to the Bank; one of the cashiers of the Bank to receive interests and dividends; when Court order sale or transfer of stock, a certificate of the decree or order to be signed by the clerk of the reports, shall be delivered to the proper officer of the Company, which shall be a sufficient authority for the transfer. If Accountant-general incapacitated from acting, Court may direct the other Master of the Court, either generally or specially, to perform his duties. Forgery of handwriting of Accountant-general, or other officers of Court of Exchequer, or of cashier of Bank, or of any officer of Company, body politic or corporation, whom it may concern, punishable by law ... ... 1 *G.* 4, *c.* 35 222 *to* 228

—— Stock of any public Company standing in the name of trustee becoming bankrupt, Lord Chancellor may order to be conveyed to other persons on the same trusts, or such of them as may be then subsisting, and profits, interests, dividends, &c., to be paid over as the Lord Chancellor shall direct ... ... 6 *G.* 4, *c.* 16, *s.* 79 254

—— Stock in which bankrupt is beneficially interested, Commissioners may order to be transferred to assignees, and dividends to be paid to them, which order shall be an indemnification for such transfer and payment *s.* 80 *ib.*

—— When standing in name of an infant beneficially entitled thereto, Lord Chancellor may direct dividends to be paid to any person for benefit of infant; the person to whom payment is directed to be made being named in the order, and the receipt of such person to be effectual 11 *G.* 4 & 1 *W.* 4, *c.* 65, *s.* 32 347

—— Where standing in name of, or vested in person of lunatic, or of Committee of estate of lunatic; Lord Chancellor may direct such person as he may appoint to transfer stock into name of new Committee, or of Accountant-general of Court or otherwise, and to receive and pay over dividends, such transfer and payments to be valid ... *s.* 33 & 34 347, 348

—— Powers given to Court of Chancery and Lord Chancellor of England to extend to all his Majesty's dominions except Scotland, and may be exercised by Lord Keeper, or Commissioners of Great Seal *s.* 36, 39, 42 348

—— Power given to Court of Chancery by this Act may be exercised by Court of Exchequer ... ... *s.* 37 *ib.*

—— In all orders for transfer of stock, the person to be named shall be some

STOCK, CAPITAL—*continued.*

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Officer of the Company in whose books such transfer shall be made 11 *G.* 4 & 1 *W.* 4, c. 65, *s.* 43 348

—— Act to be an indemnity and discharge to all Companies, their officers, and servants ... ... *s.* 44 *ib.*

—— Forgery (*see* Forgery) ... ... 11 *G.* 4 & 1 *W.* 4, *c.* 66 349

—— Dividend of £10 10*s.* per cent. per annum on the existing amount of capital stock to be paid out of Indian revenues; to be payable half-yearly, on 6th January and 6th July ... 3 & 4 *W.* 4, *c.* 85, *s.* 11 413

—— Dividend to be redeemable by Parliament after 30th April, 1874, at the rate of £200 per cent., together with proportionable part of dividend, if redemption take place, except on one of the half-yearly days of payment; twelve months' notice in writing to be given by the Speaker of the House of Commons of the intention to redeem; if Company cease to retain territory and government after 30th April, 1854, they may within one year thereafter demand the redemption of the dividend, and provision for the redemption at the above rate shall be made within three years ... ... *s* 12 & 13 413, 414

—— Security for redemption of dividend (*see* Security Fund).

—— Dividend to be paid in preference to all other charges payable in Great Britain ... ... *s.* 17 415

—— Stock belonging to an insolvent debtor, standing in his own name, may be charged by order of a Judge with the payment of the amount for which judgment may have been entered up in any of her Majesty's Superior Courts at Westminster; order of Judge to be made in first instance *ex parte*, and on notice to Company, to operate as a *distringas* 1 & 2 *V.* *c.* 110, *s.* 14 & 15 474, 475

—— Court for relief of Insolvent Debtors may order transfer to assignee of insolvent, of stock standing in his name in his own right ... *s.* 54 475
3 & 4 *V.* *c.* 107, *s.* 42 535

—— Provisions of At 1 & 2 V. c. 110, as to property of judgment debtors, extended to the interest of such debtor in stock, whether in possession, remainder, or reversion, and whether vested or contingent
3 & 4 *V.* *c.* 82 523

STORES, MILITARY AND NAVAL. Company may ship out stores of war, duty free, if duties do not exceed £300 in one year ... 7. *G.* 1, *c.* 21, *s.* 13 18

SUGAR (*see* Customs).

SUMATRA (*see* Transportation).

SUPERANNUATION allowances to officers of the Board of Control. His Majesty may grant allowances, compensations, remunerations to officers of the Board, in conformity with 50 G. 3, c. 117, s. 12, to be paid by the Company; previous service under the Company to be reckoned in computing period of service ... ... 53 *G.* 3, *c.* 155, *s.* 91 & 92 186

(The condition and proportion of such superannuations are the same as those fixed by 93 sec. of this Act for officers and servants of the East-India Company).

—— to officers of Company in England disqualified by age or infirmity may be

Superannuation—*continued.* PAGE

granted by Court of Directors; to any officer under sixty years of ag disabled by age or infirmity, and having served ten years, any annual sum not exceeding one-third of his salary and allowed emoluments; above ten years and less than twenty, one-half; above twenty years, two-thirds; an officer above sixty years having served fifteen years (without proof of infirmity) two-thirds; sixty-five years of age and having served forty years, three-fourths; sixty-five years of age, and having served fifty years, the whole ... 53 *G.* 3, *c.* 155, *s.* 93 186

—— Accounts to be laid before Parliament (*see* Parliament). ... *s.* 94 187

Sudder Ameens from 31st March, 1836, no person incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, by reason of place of birth or descent; liability of British-born subjects of the Crown, or their descendants, who shall be appointed Principal Sudder Ameens, Sudder Ameens, or Moonsiffs, and the tribunals to which they are amenable 608
(Regulation Government of India, No. 8 of 1836, in Appendix).

—— Native Judicial functionaries at Madras and Bombay to be in future called Principal Sudder Ameens, Sudder Ameens and Moonsiffs; from 1 Nov. 1836, no person incapable of being appointed by reason of place of birth or descent; no person to be exempt in any civil proceeding from the jurisdiction of the Assistant Judges under Bombay Presidency (Act of Government of India No. 24 of 1836, in Appendix). 616

Supreme Courts (*see* Courts of Judicature).

Surgeons and Assistant Surgeons in service of Company may practice as Apothecaries in England and Wales without examinations and certificate—prescribed by 55 G. 3 ... ... 6 *G.* 4, *c.* 133, *s.* 4 271

Suspected Persons (*see* Governor-general and Council of Fort William, and Governments Subordinate).

Tea. Enactment requiring Company to keep a stock repealed
3 & 4 *W.* 4, *c.* 85, *s.* 114 438

(*See* also Customs).

Territorial Debt of India (*see* Debt.)

Territorial Possession, Revenues and Government of India to remain in the possession of the Company till the 1st February, 1769, on payment into his Majesty's Exchequer of £400,000 7 *G.* 3, *c.* 57, *s.* 1 & 2 24

—— Period extended to 1st February, 1774, on payment of a like annual sum during such extended period ... ... 9 *G.* 3, *c.* 24, *s.* 1 & 2 *ib.*

—— Period further extended till certain advances of money were repaid
13 *G.* 3, *c.* 64, *s.* 13 38

—— Debt of £1,400,000 having been repaid, the period extended till 5th April, 1780 ... ... 19 *G.* 3, *c.* 61, *s.* 1 42

—— to remain with the Company till 5th April, 1781 20 *G.* 3, *c.* 56, *s.* 1 44

—— Secured to the Company till three years' notice after 1st March, 1791
21 *G.* 3, *c.* 65, *s.* 8 45

—— Further continued till 1st March, 1814 ... 33 *G.* 3, *c.* 52, *s.* 1 79

TERRITORIAL POSSESSION, &c.—*continued.*

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—— Continued for a period expiring on three years' notice after 10th April, 1831 53 *G.* 3, *c.* 155, *s.* 1 167

—— to remain under the Government of the Company till 30th April, 1854 3 & 4 *W.* 4, *c.* 85, *s.* 1 410

TRADE. No Governor-general, Governor, or Member of Council, nor any person engaged in the collection of revenues, or administration of justice in Bengal, Behar, or Orissa, nor their agents nor servants, nor any person in trust for them, nor any Judge of the Supreme Court of Judicature, to be concerned in trade ... ... 33 *G.* 3, *c.* 52, *s.* 137 104

—— Trading by Governor-general, Governor or Member of Council, for his own benefit or that of any other person, a misdemeanor 3 & 4 *W.* 4, *c.* 85, *s.* 76 430

—— EXTERNAL. Vessels of countries in amity with the British Crown may import into, and export from, British possessions in India, such goods as may be permitted by the Court of Directors, who are to frame regulations for the trade. No vessel as above to be liable to seizure, confiscation, or forfeiture, for carrying on trade in conformity with regulations. Directors not to frame regulations inconsistent with treaties or Acts of Parliament which have been passed ... 37 *G.* 3, *c.* 117, *s.* 1 118

—— Regulations to be subject to the control of the Board ... *s.* 2 119

—— Not to be altered or varied by General Court ... ... *s.* 3 *ib.*

—— EXCLUSIVE. Account of the periods of renewal 15, 16

—— INLAND, in salt, betel-nut, tobacco, and rice. His Majesty's subjects not to engage in such trade in Bengal, Behar, or Orissa, except on account of the Company, or with their permission, on pain of forfeiting all the commodities and treble the value, half to the Company, and half to the person suing ... ... 33 *G.* 3, *c.* 52, *s.* 137 104

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